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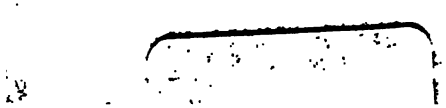

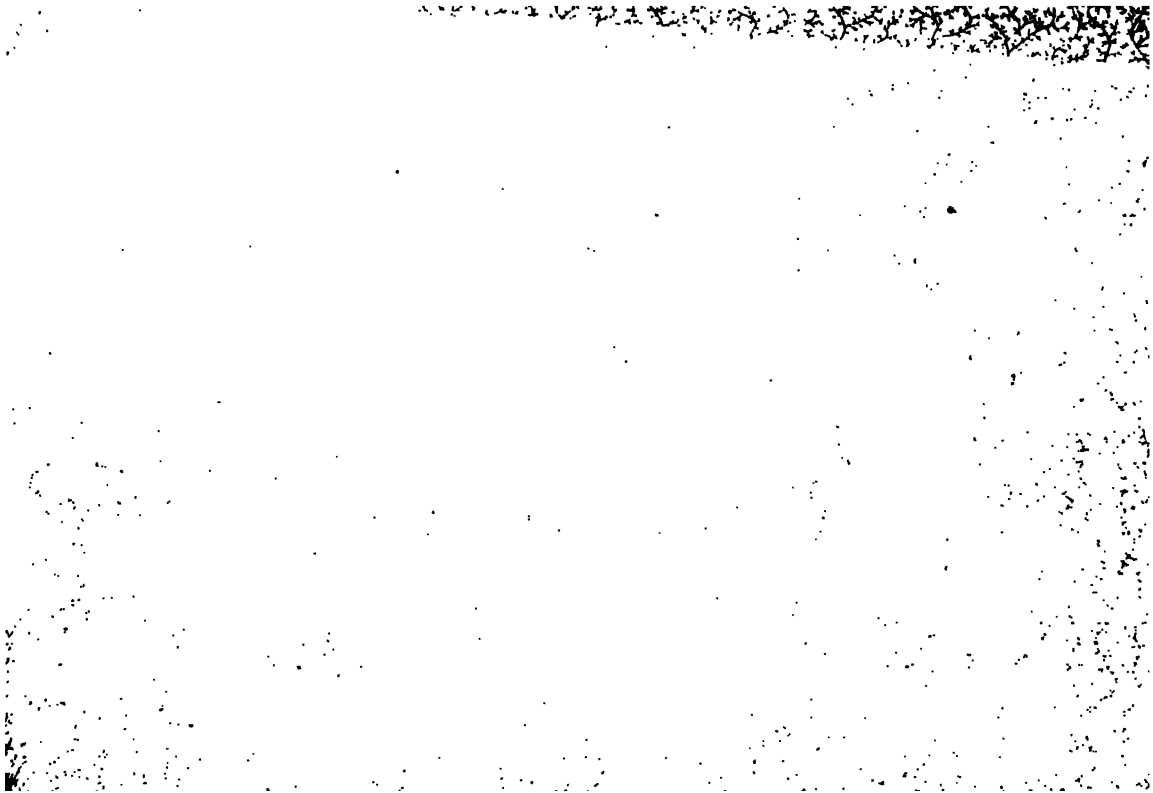

MANUAL OF CIVICS

A TEXT BOOK OF MUNICIPAL GOVERNMENT FOR THE CITY OF NEW YORK; WITH AN EXPOSITION OF THE PRINCIPLES OF GOVERNMENT IN NEW YORK STATE AND THE UNITED STATES

WRITTEN FOR

JOURNAL OF THE CIVIL SERVICE

BY

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Instructor in Civics, Economics and History

IN DWIGHT SCHOOL

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PREFACE

The City of New York, with a population of over three million people, presents a complex problem of municipal administration. More than forty-five thousand officials and employees are engaged in carrying on the work of government in the city, at an annual cost of one hundred and ten millions of dollars. This enormous working force is employed almost entirely under civil service laws. The division of duties among the members is defined by the charter of the greater city and by numerous laws, ordinances and regulations, either enacted by the Board of Aldermen or the State Legislature, or prescribed by the heads of the various departments.

It has become necessary that candidates for appointment or promotion to certain positions in the civil service shall possess a practical knowledge of the city government, together with an acquaintance with the principles and operation of State and Federal governments. To reduce the necessary facts to text book form has been the aim of this work. It will be found that fully one-half of its space has been devoted to the municipality of New York. The organization and functions of the Federal government and that of New York State have been set forth as concisely as has seemed consistent with clearness. In publishing this book, it is not the plan to offer a substitute for any one of the numerous school text books of civil government that are now in use. The object of the work, on the other hand, is solely to help the thousands of persons who are seeking appointment under the civil service.

FREDERICK C. SECKERSON

New York City

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CHAPTER I.

The Functions of Government.

In every community certain rules of action are necessary to determine the conduct of its people and to regulate their relations with one another. Such rules of action may be considered together under one general term as *law*. In order, however, that law may exist and be enforced, there must be a recognized authority, known as a *government*. Government is, therefore, the supreme power, whch enacts and administers the laws and insures the rights and welfare of individuals within its jurisdiction.

No government can be carried on without an outlay of money, both in the salaries of those who are charged with its administration and in material improvements for the public good. The power to raise money for such purposes is a property of government in every form, and the funds thus secured are known as *taxes*. The authority to tax is regarded by economists as the fundamental power by which a true government is to be distinguished. A tax may be described as a portion of private property taken for public purposes.

There is, however, another way, besides taxation, in which the government takes private property. A street, for example, is of so great importance to the general public that the city, in opening a new one, may run it straight through the property of any citizen, and, in order to do so, may make him take his house or shop out of the way. This power of government over private property is called the *right of eminent domain*, and is

one of the rights that are superior to those of the individual. It differs from taxation in two ways. Taxation goes on perpetually and affects all property owners, while the exercise of the right of eminent domain is only occasional. Furthermore, in the case of a tax, the government makes no direct return for the amount taken. In taking property by eminent domain, on the other hand, it returns to the owner full and just compensation for whatever loss he may have suffered.

The sovereign powers of government may be exercised in three directions: In making the laws, in enforcing them, and in applying their provisions to cases where their interpretation is necessary. The three departments into which the government is divided for the exercise of its powers are called the *legislative,* the *executive,* and the *judicial* departments. This threefold division is represented in the National government by Congress, the President, and the United States courts; in New York State by the Legislature, the Governor and the State courts; in Greater New York by the Board of Aldermen, the Mayor, and the local courts.

The *legislative department* is that by which the laws are made. The fundamental law is embodied in the Constitution, which cannot be changed except by the vote of the people. The purpose of the legislature is to enact laws in accordance with the principles of the Constitution upon matters not already covered by that instrument. In the Federal and State governments the legislature is composed of two bodies, both of which must consent to a measure before it can become a law. The legislative power in New York City is vested in the Board of Aldermen.

The *executive department* is charged with the responsibility for carrying the laws into effect. The President, who is at the head of this department in the Federal government, is

assisted by his cabinet and heads of bureaus. In New York State, the Governor, as chief executive, appoints, with the concurrence of the Senate, a number of executive officials, while several are elected by the people. In the city of New York, the work of this branch of government is conducted by fifteen administrative departments and several bureaus, the heads of which are responsible directly to the Mayor.

The function of the *judiciary* is to interpret the law. This is the purpose of all courts alike, from the justice's and magistrate's courts for the trial of petty offenses and trivial actions to the highest tribunal in the State. It is the duty of this department, moreover, not only to apply the laws to the decision of disputes between individuals or to the punishment of offenders, but also to decide whether or not a law is in accordance with the fundamental law of the State; that is to say, whether it is constitutional or not.

While these three general functions of government are, in the main, clearly separated, there are certain cases where those of one department are exercised by another. The *veto* power of the executive is an instance where a *legislative* duty is discharged by an administrative official. The legislature assumes judicial powers in the *impeachment* of an official by the lower house and his trial by the upper. When, too, the Senate confirms or rejects an appointment made by the Governor, it assumes an *executive* function. The power of pardoning condemned persons is a *judicial* function that is exercised by the executive.

CONSTITUTIONAL RIGHTS.

Certain individual rights are guaranteed by the Constitution of New York State, some of which are also affirmed by that of the United States. These rights are of two kinds,

political and *civil*. The latter are sometimes called *personal* or *natural* rights.

Political rights are those that give to every citizen a share in the government of the community. These find their common expression in the right to vote. A man may forfeit his political rights, as in the case of his being convicted of a felony. His citizenship can then be restored to him only at the discretion of the governor of his State.

Civil rights are not forfeitable. No man, for example, may be deprived of the right to *trial by jury*. This right has been secure to English speaking people ever since the signing of the Magna Charta in 1215. The *writ of habeas corpus* is a second important civil right, which may not be denied except in case of rebellion or invasion, when the public safety may require its suspension. A writ of habeas corpus is an order, issued by a judge, at the instance of counsel for an accused person, directing that such person be brought into court for a hearing. In this way it is decided whether or not he is justly and legally restrained. The purpose of the writ is to prevent the unjust detention in prison of persons who are accused of the commission of crimes. Other rights of accused persons include the *right to counsel for defense and protection against excessive bail and unusual or cruel punishments*. The Constitution also states that "no person shall be put twice in jeopardy for the same offense." *Freedom of conscience and worship* and the *right to ownership of property*, together with the *right of freedom of speech* and the *right of petition* are also assured by the Constitution.

Civil rights are sometimes classed as *absolute* and *relative*. The former term includes personal security, personal liberty and private property. Relative rights are either public or private, accordingly as they refer to the right of protection by

government, or to domestic or other relations among individuals. A person condemned to life imprisonment is regarded by the State as legally dead, and loses his right to hold property as well as certain other of his civil rights.

The *Constitution* is the highest law of the State. No statute may be passed and no person may lawfully do anything that is contrary to its provisions. It represents the direct will of a majority of the voters of the State. Only one body of law is superior to the Constitution of New York State, and that is the Constitution and Statutes of the United States. In the latter such powers are defined as the general government has reserved to itself; powers, for example, like the making of treaties and the declaration of war. The State legislature may pass no law that is not in harmony with the laws of the Federal government. The Constitution of New York State may be divided into four parts, as follows: The first contains a declaration of rights; the second prescribes the qualification of voters; the third gives an outline of the State government and describes the duties of officials, and the fourth contains general provisions relating to moneys, schools, corporations, cities and the like. The term, *bill of rights,* is applied to Article I of the State Constitution, because it contains a statement of the civil rights that are guaranteed to the people of the State.

CHAPTER II.

Public Elections.

Four qualifications are applied to voters in New York State. The voter must be twenty-one years of age, of the male sex, a citizen of the United States for at least ninety days, and must not have been previously convicted of a felony. The Constitution of New York says: "Every male citizen of the age of twenty-one years, who shall have been a citizen for ninety days, and an inhabitant of this State for one year next preceding an election, and for the last four months a resident of the county, and for the last thirty days a resident of the election district in which he may offer his vote, shall be entitled to vote at such election in the election district of which he shall at the time be a resident, and not elsewhere, for all officers that are now or hereafter may be elected by the people, and upon all questions which may be hereafter submitted to the people."

Citizenship is fixed by National rather than by State law, and an individual must be a citizen of the United States in order that he may be a citizen of any State. The Federal Constitution pronounces all men to be citizens who are born or naturalized in this country and are subject to its jurisdiction. Persons born abroad of American parents are citizens. In some states voting privileges are extended to such as have signified their intention to become citizens. This is not the case in New York. Chinese and Indians not taxed are not permitted to become citizens of the United States.

An *alien* may become a citizen in the following manner.

Five years residence in the country is the first requirement. He must at some time after his arrival declare on oath before a court of record, that it is his intention to become a citizen. This he may do at once or at some subsequent date. He must then wait at least two years. He may then appear before the court with proof of his five years residence in the country and one year in the State in which the court is held. He is required to renounce his allegiance to his former land and to take an oath to uphold the Constitution of the United States. The court will then issue to him his naturalization papers, and he will become a naturalized citizen of the United States.

Honorable discharge from the army or navy of this country entitles a man to take the oath without any previous declaration, provided only that he has lived one year in the United States. The naturalization of parents entitles minor children to citizenship, and that of a husband confers similar privileges upon a wife. Of course, the laws of New York do not permit women to vote except at school elections. A man must have been naturalized at least ninety days before an election in order that he may vote in that election.

The right to vote may be lost in several ways. Conviction for bribery, of desertion from the military service of the United States, or of a felony, causes the forfeiture of this right. Any one who is convicted of accepting any bribe for voting, loses his vote for the ensuing five years. Betting on an election and failure to register also disqualify a voter from casting his ballot.

The first step toward voting is that of *registration*. In all cities in this State of over 5,000 population, each voter must appear in person to request that his name be placed upon the registry lists. The fourth Friday, the fourth Saturday, the third Friday and the third Saturday before a general election

are the days set aside for the purpose. The voter also enrolls his name at this time as a member of the political party of his choice. This enrollment entitles him to vote at the primary elections of his party during the ensuing year.

The *general election* of each year is held on the first Tuesday after the first Monday in November. The Constitution of the State provides, that city officials, in cities of the first and second class, shall be chosen in the odd numbered years; while State officers shall be elected in the even numbered years. In this way the city and State elections are kept separate and confusion of issues is avoided. The polls are kept open from six in the morning till five in the afternoon. One voting booth for every seventy-five voters must be provided in the polling places. At the close of the election the inspectors of election proceed to count the vote, the polling place still remaining open to the public. The result must be announced, and written certificates containing the record must be forwarded to the proper officials.

The right of a voter to cast his ballot may be challenged by any citizen. The voter whose ballot is in dispute, may then be questioned by those receiving the vote, and may be made to answer under oath and, if required, in writing. In no case may his vote be rejected, unless he refuses to answer concerning his qualifications or unless he can be shown not to have registered. This is called swearing in a vote. A person who swears falsely under these conditions may be severely punished.

PRIMARIES.

The machinery of party elections is also regulated by law. A party election is called a *primary*. The law of the State of New York recognizes as a party any political organization

casting over 10,000 votes for Governor. The annual primary day is fixed as the seventh Tuesday before the general election The last Tuesday in March is named as a special or additional primary day for presidential elections, and in counties that contain cities of the first class, local candidates are nominated at another special primary, held on the fifth Tuesday before a general election. At the primaries delegates are chosen, who gather in assembly district, county and other conventions at the call of their respective committees. These conventions name the candidates of their various parties in the coming election.

The names of candidates are filed with the Secretary of State and are printed on the official ballot. In county elections names of nominees are filed with the county clerk. Citizens who do not belong to any political party may nominate a candidate "by petition." The State Board of Canvassers act as a final authority in determining the results of an election.

In taking office, a successful candidate must take an oath to support the Constitution and laws and to discharge faithfully the duties of his office. He must also swear that he has paid no money and offered no other consideration as an inducement to secure his election. To substantiate this fact, he is required to file an itemized account of his election expenses. A candidate securing the greatest number of votes is selected. This is termed election by *plurality.* A *majority,* that is, more than one-half the total number of votes cast, is not necessary.

POLITICAL TERMS.

Two terms are sometimes used in connection with popular government that require definition. These terms are *the initiative* and *the referendum.* They are measures, which have been tried elsewhere, and which have frequently been suggested

as a means of making our legislative government more fully representative of the popular will. The plan of the *referendum* involves the extension of the veto power to the voters. It would make it necessary, upon presentation of a petition signed by a certain number of citizens, for the State government to submit any measure to a popular vote at a special election. If the majority of the voters disapprove such a measure, it is not to become a law. This plan would apply to acts already passed by the legislature. The *initiative* would allow any citizen or number of citizens to draw up a bill, and upon the presentation of the required petition, to have it submitted to a general vote. The bill then would become a law, upon the approval of the people, without further action on the part of the government. These two measures would be better adapted to some small commonwealth than they would be to a state or nation like those in which we live.

The terms *republican* and *democratic* in the study of civics must be divorced from their partisan significance. A *democracy* is a form of government in which there is an actual expression of the popular will, direct from the voters themselves, upon every public matter. Such a form of government existed in ancient Athens, where all the people met in the market place to conduct their government. A pure democracy is found in this country only in the *town meeting*. Our enormous population makes it necessary for us to carry on our government through representatives, elected for that purpose by a popular vote. Such a government is called a *representative democracy* or a *republic*. The name *commonwealth* is sometimes applied to a republican form of government.

CHAPTER III.

The State and the City.

All the powers of government in the United States are delegated powers. That is, they are powers which the government exercises by virtue of the original consent of the people as the source of authority. In April, 1777, a provincial convention met at Kingston and adopted a constitution. The body consisted of delegates elected for the purpose. Because the country was at war, the original text of the Constitution was not submitted to the vote of the people. It was taken, nevertheless, as the absolute expression of popular will, and, being such, became the organic law of the State. In adopting the Constitution, the people delegated to the State full control over all matters pertaining to the public welfare. Every local government, such as the town or county, became thereafter subordinate to the State, and could exercise its authority only within such limits as were prescribed by the Constitution or by enactments of the State legislature.

A *municipal corporation* consists of all the persons living within certain territorial boundaries and associated together for the purpose of maintaining local government. The town, county, village and city are different forms of municipal corporations in this State. The largest in population, and in many respects the most important, is the City of New York. Without local governments, the State government would become too unwieldy, owing to the great number of officials that would be brought under each department for the handling of

administrative details. Furthermore, the mayor, aldermen and other officers, who are concerned in the administration of a municipal corporation, generally understand the needs of the community far better than the members of the State legislature, governor and various other functionaries of the general government could, by any posibility, know them.

A city in New York State may be regarded as a village of greater population, administered upon a larger scale. Each village has its own charter, granted by the legislature, and its government shows well defined legislative, executive, and judicial departments. A board of trustees makes its local laws; the village president carries them into operation; and the police justice holds a court of special sessions for the trial of petty offenses. There are four classes of villages in this State. A village with a population of 5,000, or greater, is of the first class; 3,000 to 5,000, of the second; 1,000 to 3,000, of the third; and less than 1,000, of the fourth class. The people of the village bear the same relation to town and county governments that they would if no village existed.

The cities of New York State are divided into three classes. The first includes those having a population of more than 250,000. There are only two, New York and Buffalo. The second class contains all cities having from 50,000 to 250,000 inhabitants. Rochester, Syracuse, Utica, Albany and Troy are the five cities in this class. There are thirty-three cities of the third class, which comprises all others.

The government of a city is provided for in a charter which is granted by the State legislature. In the charter, the State invests the municipal corporation with certain of the powers that have been delegated to it by the people. Except in certain cases, city and county governments are quite independent of one another, and the existence of the former does not affect the

operation of the latter. While this is true of most of the counties in the State, it does not apply to the four counties that are included within the limits of the municipality of New York. The tax rate in counties that contain cities of over 100,000 inhabitants is limited to two per cent of the assessed valuation of all taxable property.

Legislative powers in a city are vested in the common council or board of aldermen. The powers of this body, in general, extend over all matters of local interest—public works, streets, franchises, buildings and the like. It may also fix the tax rate and vote appropriations of money. The limiting of the indebtedness of a city to ten per cent or less of the assessed valuation of property, fixes a restraint upon the power of the common council to borrow money. Laws passed by a board of aldermen for the regulation of a city's affairs are called *ordinances*. The detailed powers of the board in New York City, as well as those of the Mayor and the jurisdiction of its courts, will be explained in another chapter.

The Mayor is the executive head of a city. The work of his office is effected through various departments, the heads of which are usually appointed by him. In all cases of special legislation affecting a city, the Constitution gives to the people of the city the right to a hearing in the matter. The Mayor in cities of the first class, and in other cities the Mayor and common council acting concurrently, may accept or reject the measure in question. It must be returned to the State legislature within fifteen days, or to the Governor in case the legislature has adjourned. If the bill has been accepted, it is then subject to the action of the Governor. If rejected, it may be repassed by the legislature. The bill must first have passed both houses of the legislature before it can be sent to a city for consideration. If the legislature shall adjourn before the

end of fifteen days and the bill either is not returned or is rejected, it cannot become a law. All amendments to a city charter must be passed in accordance with the foregoing conditions.

The Mayor in every city has one power which involves the exercise of the legislative function. The *veto power* is the right, generally extended to every executive head of government in our land, to forbid legislation in a particular instance. All laws must be submitted by the common council to the Mayor for his approval. When this is withheld, the bill is returned to the legislative body, which may then repass it over the Mayor's veto by a two-thirds vote. In New York City there are exceptions to the last provision, which will be taken up elsewhere.

The courts in a city include magistrate's and other lesser criminal courts, and municipal district courts for hearing minor civil suits. Coroner's courts have jurisdiction over inquiries into the causes of sudden deaths and of suspicious fires —the latter function in Greater New York is shared by the fire marshals—and surrogate's courts are charged with the hearing of wills and inheritance cases. In New York County there is no county court, but a number of specially organized courts that may be said to take its place. Elsewhere the county courts, trial and appellate divisions of the Supreme Court, and Court of Appeals carry out the judicial function without relation to city government.

It will be seen from this brief *resumé* of the relations between city and State, that the latter in matters of legislation is always superior to the former. Moreover, we now know that the government of a city derives its authority from the "consent of the governed" through the medium of the State, and not directly from its own people. In this way the greater

importance of the entire commonwealth, as compared with that of any single part, is conserved. This theory of the relation between local and State government is not, however, inconsistent with the theory of "home rule" for cities, the latter doctrine being carried out at least in part by the legislative powers of the board of aldermen, and by Article XII., Section 2, of the Constitution, which gives to the government of a city a voice in all special legislation affecting its interests. The problem of city government presents a more numerous array of serious difficulties than any other developed by the growth of American institutions. For this reason, the charter of New York City, covering, as it does, the largest municipal interests in the country, and embodying the most recent ideas that have been applied to the government of cities, assumes the greatest importance to the student of political science.

CHAPTER IV.

Greater New York.

The Legislature of 1896 passed over the vetoes of the Mayors of New York and Brooklyn the act which created the present City of New York. This law, which was signed by Governor Morton on May 11 of that year, provided for the appointment of a commission to draw up a charter. The commission consisted of seventeen members, including the Mayors of New York, Brooklyn and Long Island City and the State Engineer and Attorney General. Mr. Andrew H. Green, to whom most of the credit for the development of the plan was due, was made a member by act of the Legislature. The proposed charter was completed by the commission and was submitted to the Legislature February 13, 1897. The measure received the assent of the Mayors of Brooklyn and Long Island City and was passed over the veto of Mayor Strong. It received the signature of the Governor on May 4 of that year.

The weak point in municipal government in America has heretofore been found in the excessive division of responsibility. With a great number of officials answerable for the success of an administration, it becomes impossible to place the responsibility for failure; consequently, there is established an ever open invitation to extravagance and plunder. The State of New York made a first effort to alter these conditions when it granted a new charter to the city of Brooklyn in 1882. Then, for the first time, the common council was simplified to a single body of nineteen aldermen, and the number of

executive officials elected by the people was reduced to three: the Mayor, Comptroller and Auditor. In this way the Mayor was made responsible for ever detail of his administration, except that of finance. This idea was followed out again in the consolidation act of July 1, 1882, in which the charter of New York City was completely revised.

THE CHARTER.

The present charter places in the hands of the Mayor the full responsibility of his administration. With the single exception of the Comptroller, he has unrestricted power of appointment and dismissal over all heads of departments. To the one other executive official who is elected by the vote of the entire city are delegated powers second in magnitude only to those of the Mayor. The President of the Board of Aldermen may, for the present, be regarded as a part of the legislative branch of the government, and therefore need not receive consideration on this point, although he possesses certain executive powers as a member of different boards. The powers of the Comptroller are such as enable him to act as a positive check upon all action involving the finances of the city. The tendency toward centralization is also manifested in the change from the old bi-partisan police board to a single commissioner of police, who may be removed at the will of the Mayor. The Mayor possesses, too, in addition to the usual veto power, a power over financial legislation by the Board of Aldermen that may be overruled only by a three-fourths vote of the board, and the power of absolute veto of all franchises. These almost autocratic powers of the heads of government in New York City are offset by the fact that they may be exercised only during a short term, and that the people have an opportunity

every two years to express themselves at a general election upon the acts of an administration. The city is also in a measure protected against corruption and wrongdoing on the part of its Mayor by the provision that he can be removed from his office by the Governor, after a due hearing upon charges.

TERRITORY.

The City of New York is divided into five boroughs for purposes of local administration. The government of a borough is carried on under the supervision of a Borough President, who is elected by the people, and who forms, as a member of the Board of Estimate and Apportionment, a part of the general city government. The boundaries of the greater city and of each of the boroughs are described in the charter as follows:

The territory known as Kings County, Richmond County, Long Island City, the towns of Newtown, Flushing and Jamaica, and that part of the town of Hempstead, as it existed December 31, 1897, bounded on the east and north by the east and north bounds of the village of Far Rockaway, and on the east by a line drawn due north from the northwest corner of said village to the south line of the town of Jamaica, were consolidated with the municipal corporation of the City of New York, the whole thereafter to be known as the City of New York. The general boundaries of the entire city are thus: Westchester County, on the north; Long Island Sound and Nassau County, on the east; the Atlantic Ocean, Lower New York Bay and Raritan Bay, on the south; and the Hudson River, Upper New York Bay, Kill von Kull and Staten Island Sound, on the west.

The *Borough of Manhattan* consists of the portion that was

formerly included in the City of New York south of the Harlem and Spuyten Duyvil, together with Governor's Island, Bedloe's or Liberty Island, Ellis Island, Blackwell's, Randall's and Ward's Islands. It is bounded on the north by Spuyten Duyvil Creek and the Harlem River; on the east by the Harlem and the East River; on the south by the East River, and on the west by the Hudson.

The *Borough of the Bronx* consists of that portion of the old City of New York lying north and east of the Harlem River and including such islands as are not mentioned as belonging to the Borough of Manhattan. It is bounded on the north by the county of Westchester; on the east by Long Island Sound (including Pelham Bay); on the south by the East River; and on the west by the Hudson and Harlem Rivers. Spuyten Duyvil Creek forms a part of its southern boundary on the west side.

The *Borough of Brooklyn* includes the territory of the old City of Brooklyn. It has Newtown Creek and the Borough of Queens on the north; the Borough of Queens on the east; Rockaway inlet and the Lower Bay on the south; and on the west, the East River, Buttermilk Channel, New York Bay, the Narrows, and the Lower Bay. Gravesend Bay, on the southwest, may be considered to lie within the borough, and also the western portion of Jamaica Bay on the east.

The *Borough of Queens* is made up of the territory known as Queens County, the old county of that name having been divided and a new county, Nassau, having been formed with a county seat at Mineola. Queens is bounded on the north by Long Island Sound and the East River, including the waters of Great Neck and Flushing Bays and of Hell Gate; on the east it is bounded by Nassau County; on the south by the Atlantic Ocean, Newtown Creek and the Borough of Brook-

lyn; and on the west by the East River and the Borough of Brooklyn.

Richmond County forms the *Borough of Richmond.* It is bounded on the north by Newark Bay, the Kill von Kull and New York Bay; on the east by the Narrows and the Lower Bay; on the south by Raritan Bay; and on the west by Staten Island Sound, sometimes known as the Arthur Kill. It includes the whole of Staten Island.

The debts and liabilities of the different municipal corporations within the limits covered by the act of consolidation were assumed by the newly organized government, in accordance with Section 5 of the charter. At the same time the various cities, towns, counties, villages and school districts, turned over to the City of New York all property of a public or private nature owned by them. The division of Queens County brought to the new government all public property within the part annexed to New York. The power of the different counties, cities, towns and villages to contract debts ceased at the time of consolidation, and all funds due them became payable to the City of New York.

REVISION.

The result of the first two years of administration under the charter was the creation of a demand for its amendment. Certain of the original provisions were found upon application to actual conditions, to be unsatisfactory. The need for a reorganization of some of the executive departments, as, for example, that of public education, became apparent. Consequently, a commission of fifteen persons was appointed by Governor Roosevelt to report to the Legislature concerning the working of the charter. The result was a revision, which,

after a few changes at the hands of the committee on cities, was passed by the Legislature. It was vetoed by Mayor Van Wyck and repassed by the Legislature over the Mayor's veto. The Governor signed the bill April 22, 1901, and it went into effect on January first of the following year.

CHAPTER V.

The Board of Aldermen.

The law-making power in New York City is vested in the Board of Aldermen. This body is composed of seventy-three members, the President of the board, and the five Borough Presidents, all of whom are elected at the general election on the odd-numbered years for a term of two years. The *President of the board* is elected for a like term by the vote of the entire city. He is a member of the Board of Estimate and Appointment and of the Sinking Fund Commission, and in the absence of the Mayor or in case of a vacancy in that office, becomes acting Mayor of the city. In the latter contingency he performs the duties of Mayor until noon of the first day of January following the election of the Mayor's successor. In his absence from duty as President of the board, that body elects a temporary chairman. The latter may perform all the duties of the President while he is absent or detained from the performance of his regular duties by the absence of the Mayor. The temporary chairman becomes a member for the time of the various boards of which the President is a member. The heads of city departments have seats in the Board of Aldermen, and may participate in its discussions, but may not vote upon matters submitted to it.

The *City Clerk* is chosen by the board for a term of six years, and acts as clerk of the board. It is his duty to keep all the papers and records of the city, except such as are committed to the various departments and to other officers. He must also

keep a complete record of the ordinances of the Board of Aldermen. He may be removed on charges by the two-thirds vote of the board. The salary of the City Clerk is seven thousand dollars a year. The proceedings of the Board of Aldermen must be transcribed in brief by the clerk, and transmitted by him to the Supervisor of the City Record for publication.

For election purpose New York is divided into aldermanic districts, which nearly, though not quite, correspond to the assembly districts of the city. Manhattan elects thirty-four assemblymen and thirty-seven aldermen, the twenty-first, twenty-third, thirty-first and thirty-fourth assembly districts being each divided into two aldermanic districts. One of the divisions of the thirty-fourth lies in the Bronx and constitutes the twenty-third ward of that borough. The thirty-fifth assembly district, lying in the Bronx, is divided into four parts for the election of aldermen. Chester, which formerly contained the first and second assembly districts, now elects two aldermen, giving to the Bronx a membership of seven in the board. Brooklyn has the seventh assembly district divided, so that the borough elects twenty-one assemblymen and twenty-two aldermen. Queens, with two assembly districts, elects four aldermen, and Richmond, with one district, elects three.

No ordinance or act of the board that provides for any disposition of city property; or that involves either the expenditure of public money, or the levying of taxes or assessments, or the granting of a franchise, may be passed except under the following conditions: Five days must elapse between the publication of an abstract of the measure and the final vote upon it. Three days must then elapse between the publication of an abstract containing a report of its passage and the day of its approval by the Mayor. The ayes and noes in the final passage must be recorded and published.

The signature of the City Clerk is necessary upon all leases, grants and other public documents. He must also keep open for inspection the records and minutes of the proceedings of the Board of Aldermen. He has authority to appoint his deputy and subordinates, the former acting in his place when he is absent. The authority to grant licenses to auctioneers is exercised by the City Clerk, and such licenses may be revoked, after a hearing under oath, by the President of the board.

No member of the Board of Aldermen is eligible for a city office, and no member may contract with the city or be in the city's pay in any other capacity. The salary of a member of the board is one thousand dollars a year. The board is required by law to meet once each month, except during August and September, when it may meet at its own discretion. The Mayor has the power to call a special meeting at any time, and must do so upon the signed request of any fifteen members.

The Mayor may veto any measure passed by the aldermen. In case of a franchise grant his veto is final. All ordinances and resolutions must, before going into effect, be sent to the Mayor for his approval. Ten days are allowed, during which he must either sign and return such a measure, or else return it without approval and with a statement of his reasons for withholding it. If a measure be not returned within the specified time, it becomes a law without his consent. The board may repass an act over the Mayor's veto by a two-thirds vote, except in certain cases defined in the charter. An ordinance or resolution that involves the expenditure of money, the creation of a debt or the laying of an assessment, requires a three-fourths vote to pass it over the veto of the Mayor. A majority of those present is sufficient to the first passage of an ordinary measure. The expenditure of money for public

ceremonies requires a four-fifths vote and the board must vote unanimously in making an extra allowance upon legal claims that exist under a contract with the corporation.

LEGISLATIVE POWERS.

Rules and regulations governing the police, fire, health, park and building departments may be passed from time to time by the Board of Aldermen. Such regulations must not, however, conflict with the powers conferred upon the heads of these departments and upon the Borough Presidents by the charter. The board also possesses the power to grant franchises for street railways and ferries; to acquire additional water works for the supply of the city; to issue bonds for specified public improvements, and therewith to acquire or establish public markets, construct parks, parkways, boulevards and driveways, build bridges, tunnels, docks, wharves and piers, and to acquire land for such purposes by purchase or condemnation; to acquire schoolhouses and sites for schools, and to repair streets. It may borrow money upon bond issues for any of these purposes, but cannot do so, unless the proposition thus creating a debt has been first approved by a majority of the Board of Estimate and Apportionment. The aldermen may pass ordinances also covering the following particulars: Weights and measures; the inspection and cartage of fuel, hay and straw; vagrants and mendicants; the use of firearms and fireworks; intoxication, disorderly conduct and malicious mischief; places of amusement; vaults, hydrants, sewers, cisterns and pumps; the repairs of fences and walls; the regulation of swimming and bathing in the waters of the city; public comfort stations; the suppression and prohibition of gambling;

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the suppression of vice and inmorality; the fixing of the fire limits; the protection of hotel guests from peril by fire; and the establishment of license fees for street cars.

Measures passed by the Board of Aldermen are called ordinances from the phraseology used, each act beginning with the words: "Be it ordained by the Board of Aldermen of the City of New York as follows:" Other powers possessed by the board, subject to the Constitution and laws of the State, are: the regulation of street traffic; the licensing of certain trades and of the keeping of dogs; the making of rules for the safety of vessels within the navigable waters of the city; and the fixing of rates of fare for vehicles. Certain powers of the board may be classed as executive or administrative powers. Among these are the appointment of the City Clerk and of commissioners of deeds, the latter to hold office for two years from the date of appointment. Another administrative function is the appointment of special committees to inquire into the performance of their duties by the various public officials of the city government. Full access to the books and records of every department may be had by such committees. The board may also require security from public officials, who are charged with the receipt and disbursement of city funds, in such cases as are not already provided for by the law.

The aldermen are trustees of the public property and are to be held responsible for all the duties imposed by the law upon trustees as far as the property, funds and effects of the city are committed to their control. Members voting in violation of the law are guilty of a misdemeanor, and may, furthermore, be held liable individually for the amount of any city property or funds so disposed of, to refund the same, upon the suit of any citizen or taxpayer. The salary of the President of the Board of Aldermen is five thousand dollars.

A *franchise* is a public right granted for private uses. The city's rights in and to its water front, streets, parks and other public places are inalienable. The Board of Aldermen may, however, grant the use of such rights to any person or corporation for a term of not more than twenty-five years, with renewal privileges of not more than twenty-five years. Exception is made in the case of a tunnel franchise, the time of the first grant being extended to fifty years. The railroad or tunnel corporation receiving such a grant must pay to the city a sum equal to three per cent of the net profits of such railroad, after deducting five per cent of the cost of the enterprise. Upon the expiration of a franchise all the rights covered thereby revert to the city.

Two important duties of the Board of Aldermen are connected with the passing of the annual budget and the correction and computation of the assessment rolls. The former measure is prepared during the month of October of each year by the Board of Estimate and Apportionment, and is voted upon by the aldermen in a special meeting called for the purpose by the Mayor. The action of the board, both upon the budget and on the tax lists will be discussed in full in chapter eight. Chapter 409 of the Laws of 1904 extends the explicit powers of the board to the equipment of boats for the city's use, the construction of telegraph lines for police and fire department uses, and the making of city maps.

CHAPTER VI.

The Mayor.

The most important division of the powers of government in the city is the executive, at the head of which is the Mayor. The charter states: "The executive power of the City of New York is vested in the Mayor, the Presidents of the several boroughs, and the heads of the several departments."

Fifteen administrative departments are created by the charter. They are the department of finance, the law department; the police department; the department of gas, water supply and electricity; the departments of street cleaning; of bridges; of parks; of public charities, and of correction; the fire department; the departments of docks and ferries; of taxes and assessments; of education, and of health; and the tenement house department. The heads of these departments are appointed by the Mayor, with the exception of the finance department.

The Mayor has full power of removal over all appointed department heads, except members of the board of education. He may not, moreover, remove aqueduct commissioners, trustees of the College of the City of New York, or trustees of Bellevue and the allied hospitals, except for cause and after a hearing in the manner prescribed in the charter. In removing an official, the Mayor is assumed to be guided solely by his judgment of what the public interest requires.

The duties of the Mayor are enumerated as follows: At least once each year, he must communicate to the Board of Aldermen a general statement of the finances, government and improve-

ments of the city. This communication is called a message. He is required to recommend to the Board of Aldermen all measures that he may deem expedient. He must keep himself informed of the doings of the several departments; must cause the laws of the State and the ordinances of the city to be enforced and executed; and perform all duties prescribed for him by the charter, ordinances, and the laws of the State. The Mayor has the powers of a magistrate. He may appoint clerks and other subordinates to assist him in the discharge of his official duties, and must render a full statement every three months to the Board of Aldermen, covering the expenses and receipts of his office.

In addition to heads of departments, the Mayor appoints all members of any board or commission to superintend the erection or repair of a public building, a commissioner of jurors for Manhattan and the Bronx, inspectors and sealers of weights and measures, and any member of a board, the make-up of which is not otherwise provided for. Two Commissioners of Accounts, one of whom is a certified public accountant, are appointed by the Mayor. The duty of these officials is to make an examination every three months into the receipts and disbursements in the office of the Comptroller and Chamberlain, in connection with the receipts and disbursements of all departments making returns to that office. A report of such examination must be made to the Mayor, containing a detailed statement of the financial condition of the city. The Commissioners of Accounts have also full authority to make a special examination into the affairs of any department or of any county official within the City of New York. The Mayor has full power of removal at will of any commissioner, inspector or member of a board thus named by him.

The *veto power* of the Mayor is his power to forbid legisla-

ner of its exercise is fully described in chapter five of this volume. It is the one great legislative power that is vested in the executive as a check upon hasty action on the part of the aldermen. The Mayor may also veto any bill passed by the State Legislature that relates specially to New York City. Such an act may be passed by the Legislature over his veto, the latter serving, in this case, merely to insure due consideration for a new law.

The Mayor may be removed by the Governor of the State. The method to be pursued, as is the case also with the Comptroller, Sheriff, District Attorney and other county officials, is to furnish to the accused official a copy of the charges preferred against him and to afford him an opportunity to be heard in his own defense. In the case of the Mayor or the Comptroller, the Governor may designate the Attorney-General to conduct the proceedings. The Governor has the authority to suspend the Mayor for thirty days, pending an investigation of charges.

In the absence of the Mayor from duty through illness, suspension by the Governor, or absence from the city, his duties are performed by the President of the Board of Aldermen. The latter, may not, however, exercise any power of appointment or removal, unless the Mayor shall have been absent from illness, or away from the city, for at least thirty days; and he may not, furthermore, approve or disapprove any legislation except after an absence from like causes for at least nine days. The Mayor appoints and removes at will three or more civil service commissioners, who preside over the administration of the civil service laws in the City of New York, as far as they are applicable to the government of that city.

The salary of the Mayor is fifteen thousand dollars.

CHAPTER VII.

The Department of Finance.

It has been pointed out that the power to impose taxes may be regarded as the primary characteristic of a true government. The management of the city's financial affairs involves the handling of the people's money. So great did the responsibilty for this duty seem to the makers of the charter, that they placed the finances of the city in the hands of the one department head who is elected by the vote of the people of the city. They also made him a member of the most influential boards that are concerned in the executive government of the city, and gave to him powers second only to those of the Mayor. In the performance of his duty he is quite independent of the latter official.

The Comptroller is elected for the same term and in the same manner as the Mayor and the President of the Board of Aldermen. He receives a salary of fifteen thousand dollars a year. He may be removed by the Governor in the manner prescribed for the removal of the Mayor. In a vacancy in the office of Comptroller, the Mayor may appoint some one to fill it for the rest of the current term.

The general duties of the finance department are as follows: To revise and inspect all accounts that are kept in the other departments; to prescribe the manner in which such accounts are to be kept and rendered, and the way in which salaries shall be drawn and payments made to the creditors, officers and employees of the corporation; to settle and adjust, in accordance

with the principles of law and equity, all claims in favor of or against the city; to audit and revise all claims against the city, except such as have been reduced to judgment, ordered paid in judicial proceedings, or are otherwise specified in Section 149 of the charter; to certify all contracts, the expense of which is not covered by assessments upon the property benefited. No contract of the kind just described is binding without the signature of the Comptroller. The Comptroller must also furnish to the head of each department a monthly statement of the unexpended balance of the appropriation for that department. He is directed to enter into any lease that may be authorized by the members of the Sinking Fund Commission. His assent is required to the acquisition by purchase on the part of the city of any real estate; and before an award of money for such purpose can be confirmed, he must have thirty days' notice in writing, stating before whom action or proceedings looking to the acquisition of such property will take place.

The Comptroller appoints and may, for cause to be stated in the City Record, remove, two deputies and one assistant deputy. To the former he may delegate, in addition to such powers and duties as are already theirs, any or all of the powers and duties of the Comptroller for a period of not more than three months. The assistant deputy comptroller may be designated for a like term to sign, in his own name and in the place of the Comptroller, warrants drawn upon the City Chamberlain.

The department contains five bureaus. The first is charged with the collection of revenue arising from rents, interest on bonds and mortgages, the sale of city property, and the sale of permits for stalls or stands in the public markets. The head of this bureau is called the collector of city revenue and superintendent of markets. The bureau for the collection of taxes is

under the direction of the receiver of taxes. Another bureau is that for the collection of assessments and arrears, its head being known as the collector of assessments and arrears. The auditing bureau has the oversight of the accounts of the various departments and of claims against the corporation. Auditors and deputy auditors may be detailed to the borough hall of any borough. A separate bureau receives and provides for the safe keeping of all moneys paid into the treasury of the city, and pays out money on warrants drawn by the Comptroller and countersigned by the Mayor. The chief officer of this bureau is the Chamberlain.

The receiver of taxes and the collector of assessments and arrears are appointed by the Comptroller. Each, in turn, appoints a requisite number of deputies. The various clerks and assistants in these bureaus are appointed by the Comptroller. Bonds must be furnished by the receiver of taxes and the collector of assessments and arrears and their deputies in the manner prescribed by the charter. There must be kept in the office of the collector of assessments a full record of all assessments, which is open to public inspection. An assessment becomes a lien upon the real estate affected by it ten days after being filed in this record. The Comptroller may not reduce the rate of interest upon taxes and assessments below the amount fixed by law.

The Comptroller must publish in the City Record, within two months after the close of the calendar year, a financial statement of all receipts and expenditures with cash balance, moneys borrowed, sources of city revenue, the amount received from each, appropriations, and the object with which each was made. The authority on which each loan was made and the terms must be clearly stated.

The department of finance has full supervision over all

public markets, and no person is permitted to do business in one without a license issued by that department.

The Chamberlain is appointed by the Mayor in the same manner as the heads of departments. He is required to furnish a bond in the sum of three hundred thousand dollars for the faithful discharge of his duty. In case of official misconduct or default on the part of the Chamberlain or his subordinates, the Attorney-General, or the city, may prosecute an action upon the bond, the proceeds of any judgment thus secured to be distributed equitably among those defrauded by such misconduct or default.

The Chamberlain is required to present to the Board of Aldermen at the time when he takes office a statement of the balance in the treasury to the credit of the city, together with a summary of the receipts and payments of the preceding year. He must receive all moneys and deposit them in such banks as are specified by the charter. He must present his bank book for examination to the Comptroller on the first Tuesday in each month, or more frequently, if required. The banks and trust companies selected as depositories of the city funds are required to transmit to the Comptroller a weekly statement of all deposits and withdrawals on the account of the city treasury. The accounts of the Chamberlain are examined annually by the Commissioners of Accounts, who report concerning their examination to the Mayor and the Board of Aldermen. Banks of deposit for treasury funds are selected by the Mayor, Comptroller and Chamberlain by a majority vote.

The Chamberlain must report once a week in writing to the Mayor and the Comptroller the exact amount of money received by him, and the amount of all warrants paid out since his last report; also the balance standing to the credit of the

city. The salary of the Chamberlain is twelve thousand dollars. He is treasurer of New York County and has full power of appointment and removal of all subordinates in the bureau of which he is the head.

The Comptroller is, by virtue of his office, a member of the Board of Estimate and Apportionment, the Aqueduct Commission, the Board of City Record, the Bank Commission, the Board of the Revision of Assessments, the Rapid Transit Commission, and the Commission of the Sinking Fund. In all hearings that involve the adjustment of claims for or against the city, the Comptroller and his deputies have authority to administer an oath, and false testimony under oath before either is perjury.

CHAPTER VIII.

Taxes and Assessments.

The regulation of taxes and assessments in the City of New York is in the hands of a board of five members, appointed by the Mayor, one of whom must be a person learned in the law. The president, who is designated as such at the time of his appointment, receives a salary of eight thousand dollars a year, and the other members one thousand less. Forty deputy tax commissioners may be appointed by the board, and this number may be increased from time to time with the consent of the Board of Estimate and Apportionment. A deputy may be assigned only to the borough in which he has, at the time of his appointment, been a freeholder and resident for one year, unless by the unanimous vote of the board. Deputies are charged with the assessment of property in the different boroughs. Such assessment must be made after personal examination of the property in question; and the board is required so to direct its deputies as to secure equality of valuation throughout the city.

A surveyor is appointed by the Board of Taxes and Assessments from the number of the city surveyors. It is his duty to make all necessary surveys and corrections of ward maps, and to make new maps as required.

An annual record of the assessed valuation of real and personal estate of each borough must be kept in the office of the department in that borough. In the books in which this record is kept, the assessed value of real estate must be set down in

two columns, showing its value unimproved and with improvements. These books are open from the second Monday in January until April first of each year for inspection by the public. They are then closed, so that the board may prepare the assessment rolls for the Board of Aldermen. The annual record of the assessed valuation of property belonging to corporations is kept in the main office of the department.

Taxes in New York City are laid in the following manner: The record described in the foregoing paragraph is prepared from the individual assessments by the deputy tax commissioners. Assessment rolls are prepared from this record and certified by the Board of Taxes and Assessments. These rolls are delivered on the first Monday in July of each year to the Board of Aldermen, or, in the case of the board not meeting to receive them, to the City Clerk. It then becomes the duty of the President of the Board of Aldermen to have estimated and properly computed the taxes annually imposed, and to have the amounts duly set down in the assessment rolls. At its annual meeting for the purpose, the Board of Aldermen may make such alterations as are permitted by law, in descriptions of the property of non-residents. It must then transmit to the Comptroller a certificate showing the aggregate valuations in each borough. The exact sum to be paid in taxes is set down opposite each item, and the tax books relating to real estate are delivered to the Comptroller, in order that the unpaid water rents of each preceding year may be entered upon them.

When the assessment rolls have been thus completed, the City Clerk procures warrants, signed by the President of the Board of Aldermen and countersigned by himself, authorizing the receiver of taxes to collect the sums therein mentioned. The warrants, with the rolls, are then delivered to the receiver

of taxes. The Board of Aldermen is required to perform its duties in the receiving of the assessment rolls under penalty. Each member refusing or neglecting to comply with the requirements of the law in this respect, may forfeit the sum of five hundred dollars to the City of New York and is guilty of a misdemeanor.

The receiver of taxes is required to publish due notice that taxes will be payable at his office in the various boroughs on the first Monday in October. Persons who pay their taxes before November first receive a rebate. Interest is charged upon all taxes remaining unpaid on December first, one per cent on amounts paid during December and seven per cent on such as are unpaid on the first day of January. The interest collected on taxes paid after January first is reckoned from the day on which the taxes became due.

The receiver of taxes must furnish each day to the Comptroller and the Chamberlain, reports covering the amounts received by him during the day. These reports must be forwarded immediately at the close of office hours. The penalty for failure by the receiver or his deputies to comply with this requirement is suspension.

All taxes become liens against the real estate affected as soon as they are due. When a tax on personal property remains unpaid on the fifteenth of January, the receiver may proceed to collect it by means of a warrant delivered to any city marshal, and directing him to levy upon the goods and chattels of the person against whom the warrant shall have been issued. When the assessment is one thousand dollars or more and the warrant is unsatisfied for sixty days, the amount may be collected in court by judgment proceedings conducted by the Corporation Counsel.

Any person who claims to have been wrongly or incorrectly

assessed for taxes may appeal to the Board of Taxes and Assessments for a correction of his tax. Complaints concerning assessments of real estate must be made in writing, and are examined into by the board. Any person making complaint concerning an assessment on personal estate must be examined under oath before a commissioner or deputy. In either case the board may make such correction as it deems just. The time set for applications for the revision and correction of assessments is during the period when the records are open for public inspection.

The Comptroller must present to the Board of Aldermen, at least a month before its annual meeting for the purpose of levying the taxes, a statement of all probable receipts from various sources during the current year. The aldermen are required to deduct the amount thus indicated from the total amount that will be required for the expenses of government, and to cause the balance only to be raised by taxation. The Comptroller must also state the amount which the City of New York is authorized by law to raise for the year. The salaries of various officials and the expenses of the different counties must be included in this statement.

Any action relating to the correction of taxes and assessments on the part of the tax board, is subject to review by the Supreme Court upon a writ of certiorari.

THE BOARD OF ESTIMATE AND APPORTIONMENT.

The *Board of Estimate and Apportionment* is made up of the Mayor, Comptroller, President of the Board of Aldermen and the Presidents of the Boroughs. In it the first three named cast three votes apiece; The Presidents of the Boroughs of Manhattan and Brooklyn, two votes each; and the Presidents of the Bronx, Queens and Richmond, one vote

each. A quorum consists of nine votes, two of those present being members entitled to cast three votes each. Twelve votes are necessary to pass any resolution or amendment to a resolution.

This board must meet each year between the first of October and the first of November to make up the *budget*. In the budget are set forth the itemized sums that are allowed for the expenses of each department, bureau, office, board, or commission; the estimated sums necessary to meet the costs of the different county governments—in fact, a full statement of the probable cost of government during the coming year. The various heads of departments, bureaus, etc., are required by law to send in to the board a departmental estimate, showing in detail the amounts that they will require for salaries and other expenses. Stated hearings are held by the board, at which any taxpayer may offer his views in regard to these matters. The Board of Estimate and Apportionment may cut down the amounts demanded by the heads of departments and others, as may be deemed advisable by them.

When the budget is finished, it is submitted within five days to the Board of Aldermen, who are called together by the Mayor to consider the budget. It is at the same time published in the City Record. The aldermen are required to meet daily until the budget has been adopted; but consideration of the matter must be concluded within twenty days. If no action be taken at that time, the budget is considered to have been adopted as passed by the Board of Estimate and Apportionment. The Board of Aldermen may decrease, but it may not increase, any item as submitted. The Mayor may veto any decrease in the budget made by the Board of Aldermen. Such veto may be over-ridden only by a three-fourths vote.

The budget is certified by the Mayor, Comptroller and City Clerk.

The Board of Estimate and Apportionment provides for the payment of the interest and principal of bonds and of other obligations of the city; and, when the accumulations in the Sinking Fund are insufficient to meet the payment of bonds or stocks falling due, it must include provision for the amount in the annual budget. The board has the power to transfer excess appropriations during the year for which they were made. It may apportion excise money received from local or State boards among such beneficiaries as are indicated in the charter. Funds proceeding from the water rents of the Borough of Brooklyn are within its jurisdiction, and are to be appropriated by it for the maintenance of the water supply of that borough. The Board of Estimate succeeded to the powers of the former Board of Street Opening and Improvements. It has authority over the amounts received from the operation of the New York and Brooklyn Bridge, and may appropriate them for the repair of the structure. The issue by it of any stocks or bonds for the purpose of withdrawing, or taking up at maturity, outstanding stocks and bonds, is authorized by the charter.

CITY BOND ISSUES.

It will be seen that the city must have money to carry on its government for months, and sometimes longer, before that money can be raised by taxation. In order to get money, under such circumstances, the city must borrow, and this is done by means of the sale of its bonds. All such bonds, with the exception of assessment and revenue bonds, are known as *"the corporate stock of the City of New York."* Corporate stock is issued for a period of not less than ten, nor more than

fifty, years, and is for sums of not less than five hundred dollars a share.

The Board of Estimate and Apportionment has the power to issue corporate stock for amounts and purposes that are specified in the charter. For such amounts and purposes as are not thus indicated, the Board of Aldermen may, with the consent of the Board of Estimate and Apportionment, authorize an issue of stock. The Sinking Fund Commission may authorize the Comptroller to issue stocks or bonds, with the consent of the Board of Estimate and Apportionment, for the purpose of redeeming the bonded debt of the city.

Bonds of the City of New York may be issued in denominations of ten dollars or some multiple of that amount, and preference in their sale must be given to the applicants for the smallest amounts. All stocks and bonds must be duly registered in the Comptroller's office.

Assessment bonds are bonds issued for the purpose of meeting expenses incurred in the paving of streets, building of sewers, and other work done by contract, the expense of which is met by assessments upon the property benefited.

Before the sale of any stocks or bonds by the city, the Comptroller must invite proposals by public advertisement for not less than 10 days, and the bonds must be awarded to the highest bidders. No bid may be accepted for less than par value.

Revenue bonds are bonds issued, on the credit of the corporation, to meet the expenses of the city for the current year. These bonds must be redeemed with money to be raised in the tax levy of the succeeding year.

THE SINKING FUND.

The *Sinking Fund* is established for the liquidation of the debt of the City of New York. It is in the care of a board of

commissioners, composed of the Mayor, Comptroller, Chamberlain, President of the Board of Aldermen and the chairman of the finance committee of the Board of Aldermen. The board thus constituted has power to sell or lease any city property, except parks, wharves, piers and lands under water. It may, furthermore, settle disputes over boundaries between the city and owners of private property, and sell or lease city lands within the limits of streets or roads that are no longer needed for public use. Places for the holding of municipal courts, courts of general and special sessions, and magistrate's courts, are to be assigned from time to time, at request, by the Commission of the Sinking Fund. The principal duty of the commission is the redemption at maturity and the cancellation of such portions of the indebtedness of the city as may be met out of the Sinking Fund. Buildings to be used as common jails are designated in the same manner as the various courts named above. All applications for the lease of property for public use must be made to the Sinking Fund Commission.

For the redemption of the public debt out of the Sinking Fund, the Comptroller is required to certify to the Board of Estimate and Apportionment, an amount sufficient to meet all stocks and bonds maturing during the ensuing year; and this amount is included by them in the budget. The proceeds from the earnings of rapid transit and other railroads constructed under the Rapid Transit Act are deducted from the sum to be raised by taxes.

The fund for the redemption of the debt created in securing a water supply to the city is known as the *"water sinking fund."* The cost of maintaining this supply is met by taxes known as water rents. These are collected by the water register in each borough, and the method of their apportionment and

collection is determined by the department of gas, water supply and electricity.

An *assessment* is a tax imposed for purposes of local improvement upon such property as will be benefited by that improvement. Assessments are made by a board of three persons, appointed by the Mayor, and known as the *Board of Assessors.* The Comptroller, Corporation Counsel and President of the Board of Taxes and Assessments make up another board, known as the *Board of Revision of Assessments.*

Assessments are made in the following manner: The official, or head of department, charged with the execution of the work in question, certifies to the Board of Assessors the total amount of expenses actually to be incurred by the city. The Comptroller then certifies to the board the interest which must be added on account of the payments to be advanced. Thereupon the Board of Assessors proceeds to assess upon the property that will be benefited by the work, whatever portion of the cost it may be required by law to bear. The assessment may not be made to exceed one-half the value of the property upon which it is imposed. After the assessments are completed an opportunity for a hearing is granted to property holders, and the final amounts are confirmed. Parties aggrieved by any serious fraud or error may bring their claims before a justice of the Supreme Court for review. Interest is charged upon assessments that remain unpaid for sixty days.

It has already been stated that all taxes, assessments and water rents constitute a lien upon the property affected thereby. In June of each year, the receiver of taxes notifies the collector of assessments and arrears, of all taxes and water rents remaining unpaid. Whenever any tax or assessment has remained unpaid for a term of three years, or any water rent for a term of four years, the collector may, under the direction

of the Comptroller, advertise the sale of the property in question. If the taxes are not then paid, with interest and charges for advertising, the property is sold at public auction. All sales of this character must be advertised weekly for three months before they can take place. Property sold for the non-payment of taxes may be redeemed at any time within one year of the final service of notice upon the parties interested. After that time, it is, upon due advertisement, finally conveyed to the purchaser.

EXEMPTION FROM TAXES.

The following property is exempt from taxation: Property of the United States; property belonging to the State of New York; property of a municipal corporation, held for public use, except such as is not within the corporation; Indian lands; such property as is exempt from execution; bonds issued to meet the bonded indebtedness of a municipal corporation; the real property of any association, organized solely for the religious or educational improvement of men or women, or for hospital, benevolent, patriotic, charitable or cemetery purposes; the real property of incorporated associations of volunteer firemen; of clergymen who may be superannuated or too infirm for the performance of their duties; of agricultural societies used for exhibition purposes; of medical societies; and other property mentioned in the laws of the State and similarly free from such obligations. (Laws of 1896, Chapter 908, Section 4.) Exclusive immunity from taxation may not, under any circumstances, be granted to any individual, firm, or association. All tax laws must be of general application, the exemptions mentioned being in force throughout the State. Corporation taxes and transfer taxes are State taxes, the former being payable to the State Treasurer, and the latter

the County Treasurer in counties where the appraiser is not salaried, and to the State Comptroller in other counties. The most common form of the transfer tax is that upon inheritances.

One form of tax that is of particular interest to residents of New York City is that upon what are known as foreign insurance companies. Any such company, organized under the laws of a government other than the States of the Union, and having funds or assets amounting to not less than one hundred and fifty thousand dollars invested in the State, must pay annually to the fire commissioner, as treasurer of the fire department, two per cent of the gross premiums received for the insurance of property in New York City.

The amount of debt which a city may contract is limited by law. The limit thus established is fixed by the Constitution at ten per cent of the assessed valuation of real estate within the corporate limits; and any city or county, whose indebtedness exceeds the ten per cent limit is forbidden to borrow further until the debt shall have been reduced. Revenue bonds, issued in anticipation of the collection of taxes and bonds to provide for a supply of water are exempted from this restriction. When, as is the case in Greater New York, any city includes within its boundaries the territory of one or more counties, the county or counties thereby lose the power to become indebted. The amount allowed by the Constitution, to be raised by tax in a county containing a city of over one hundred thousand inhabitants or in any such city, is not to exceed two per cent of the assessed valuation. The taxes referred to in this connection are such as are levied for city or county purposes, and are exclusive of corporation or other State taxes.

CHAPTER IX.

The Law Department.

It has come to be the custom for the larger private corporations, such as railroad and insurance companies, in order to insure the effective handling of their law business, to engage at a yearly retainer the services of certain legal counsel. The lawyers and other employes hired for this purpose make up for such a corporation what is known as its law department. The relation between such a department and the organized enterprise that it serves, is not unlike that borne by the Corporation Counsel to the city. The law department of New York consists of the Corporation Counsel and his assistants, who are appointed by him and who may be removed at his discretion. The former receives a salary of fifteen thousand dollars. He is appointed by the Mayor, and is attorney and counsel for the municipality, the Mayor, the Board of Aldermen, and for "each and every officer, board and department" of the city, except as otherwise specially provided by law. In his hands is placed the entire law business of the City of New York whether one or more of the various officials, boards and departments referred to is affected.

The specific duties of the Corporation Counsel are enumerated by the charter as follows:

"He shall have charge and conduct of the legal proceedings necessary in opening, widening, altering and closing streets, and in acquiring real estate or interests therein for the city by condemnation proceedings, and the preparation of all leases,

deeds, contracts, bonds and other legal papers of the city, or of, or connected with, any department, board or officer thereof, and he shall approve as to form all such contracts, leases, deeds, bonds and other legal papers; provided, however, that he shall not institute any proceeding for acquiring title to real estate by condemnation proceedings, except for opening streets, unless the same shall have been approved by the Board of Estimate and Apportionment upon a statement to be furnished said board of the valuation of such real estate as assessed for purposes of taxation; and provided, further, that the Board of Estimate and Apportionment shall have power by a majority vote to direct such changes to be made in the forms of contracts and specifications as may seem to promote the interests of the city.

"He shall be the legal adviser of the Mayor, the Board of Aldermen, the presidents of the boroughs and the various departments, boards and officers, except as otherwise herein provided, and it shall be his duty to furnish to the Mayor, the Board of Aldermen, the Presidents of the boroughs and to every department, board and officer of the city, all such advice and legal assistance as counsel and attorney in or out of court as may be required by them or either of them, and for that purpose the Corporation Counsel may assign an assistant or assistants to any department that he shall deem to need the same. No officer, board or department of the city, unless it be herein otherwise especially provided, shall have or employ any attorney or counsel, except where a judgment or order in an action or proceeding may affect him or them individually or may be followed by a motion to commit for contempt of court, in which case he or they may employ and be represented by attorney or counsel at his or their own expense.

"The Corporation Counsel, except as otherwise herein pro-

vided, shall have the right to institute actions in law or equity, and any proceedings provided by the Code of Civil Procedure or by law in any court, local, State or national, to maintain, defend and establish the rights, interests, revenues, property, privileges, franchises or demands of the city or of any part or portion thereof, or of the people thereof, or to collect any money, debts, fines or penalties or to enforce the laws and ordinances. He shall not be empowered to compromise, settle or adjust any rights, claims, demands or causes of action in favor of or against The City of New York; provided, however, that this inhibition shall not operate to limit or abridge the discretion of the Corporation Counsel in regard to the proper conduct of the trial of any proceeding or action at law, or to deprive said Corporation Counsel of the powers or privileges ordinarily exercised in the course of litigation by attorneys-at-law when acting for private clients. He shall not permit, offer or confess judgment against the city, or accept any judgment in favor of the city without the previous written approval of the Comptroller; and in case of any claim for a money judgment exceeding ten thousand dollars, or for relief other than in the nature of a money judgment, the previous written approval of the Mayor shall be also necessary."

The law department is divided into bureaus for the better performance of its functions. The three bureaus required by law are: (1) the *Bureau of Street Openings;* (2) the *Bureau for the Recovery of Penalties,* and (3) the *Bureau for the Collection of Arrears and Personal Taxes.* Penalties, fines and taxes that are recovered by the two bureaus last named are paid into the treasury of the ctiy. All suits brought by the assistant corporation counsel assigned to either are brought in the name of the City of New York and not in that of the department involved. Processes and papers for the commence-

ment of actions and legal proceedings against the city must be served upon either the Mayor, the Comptroller, or the Corporation Counsel.

STREETS AND PARKS; CONDEMNATION PROCEEDINGS.

The City of New York is authorized by law to acquire title to lands for the use of the public for streets, parks, approaches to bridges and tunnels, or for improvements in the navigation of waters within the city's limits. Private property may be taken by the city's right of eminent domain. Application may be made by the Corporation Counsel to the Supreme Court of New York State in the first or second judicial district—these two districts being coincident with the municipal territory of the city—for the appointment of *Commissioners of Estimate and Assessment.* It is then the duty of the Commissioners of Estimate and Assessment to ascertain the value of the land required, together with the damages and loss to the owner. The allowance thus made becomes due and must be paid by the city at once upon the presentation of the report of the commissioners. They must also, after determining the cost of the improvement in question, assess the cost, or such part of it as may be indicated by the Board of Estimate and Apportionment, upon all parties and lands that may be benefited. Any person who may be appointed a Commissioner of Estimate and Assessment, is liable to challenge by the Corporation Counsel or by a private individual interested in the proceedings on the ground of incapacity, interest on other disqualification. Commissioners must, upon assuming the duties of their office, taken an oath of office. Witnesses may be summoned and compelled to give testimony as before any judge of the Supreme Court.

Any person who deems himself aggrieved by the decision of

the commissioners may appeal to the Appellate Division of the Supreme Court. By order of the Appellate Division, an appeal may be taken to the highest court in the State, the Court of Appeals.

The city may come to an agreement with the owners of property at any time and independently of the action of the commissioners. Lands owned by New York University, Columbia University, and St. John's College, are exempt from condemnation proceedings, and the city may not require any real property of these institutions for streets, parks or other like purposes.

Assessments imposed by the commissioners are liens upon real estate and may be recovered in the same manner as other assessments.

The Bureau of Street Openings conducts all proceedings looking to the acquisition of property as outlined above, in behalf of the city. Commissioners appointed by the Supreme Court for estimate and assessment meet in offices that are provided by the bureau, and their clerical and other work is performed by employes of the bureau. The expenses of the bureau are paid out of the city "fund for street and park openings."

Branches of the law department are established in each borough. In addition to the three bureaus named before in this chapter, there is a *Bureau of Tenement Houses and Buildings,* with a branch office at 61 Irving Place, Manhattan —the offices of the tenement house department being located in the same building.

CHAPTER X.

The Police.

The enforcement of law and the maintenance of order involve one of the most important functions of the executive branch of municipal government. The performance of this function is delegated to the department of police.

The head of the department is appointed by the Mayor for a term of five years. He may, however, be removed by either the Mayor or the Governor when, in the judgment of either, his removal is demanded by the public interest. When so removed he is ineligible for reappointment. The commissioner appoints three deputies, each of whom in turn succeeds to the powers of the commissioner in the absence of that official. The power to make transfers and appointments is reserved to the commissioner alone. These deputies are known as the first, second and third deputies.

The authority of the commissioner is absolute in the administration of the department. He may make and enforce such rules as are deemed by him essential to its greatest usefulness. He may, moreover, with the assent of the Board of Estimate and Apportionment, increase the police force from time to time by adding to the number of patrolmen. He also has power to appoint all members and employes of the department, subject, of course, to the civil service laws. In brief, the commissioner is the chief executive of the force, and is stated by the charter to be "chargeable with and responsible for the execution of all laws and the rules and regulations of

the department." The assignment of duties, suspension of members, and granting of leaves of absence, are within the scope of his authority.

Trials in the police department are conducted either by the commissioner or by one of his deputies, designated for the purpose. In each case, written charges must be preferred before a member may be reprimanded, suspended, fined, removed or dismissed from the force. Trials must be held in the borough in which the accused member was serving at the time indicated for the alleged offense. All fines are limited to the loss of thirty days' pay or less. Forfeitures of salary under penalties accrue to the account of the police pension fund. The commissioner and his deputies have an authority similar to that of a civil court to issue subpoenas to witnesses and to compel attendance. Trial officials as constituted by the charter have authority to administer an oath. Full definition is given in Section 302 of the charter to suits for reinstatement, for recovery of salary, and similar claims against the city through this department.

Various powers of the commissioner of police are enumerated as follows: He may offer rewards to persons assisting in the detection of crime; grant permission to a member of the force for the acceptance of rewards; appoint special patrolmen to serve without pay in cases of riot or other public disturbance; detail officers to attend courts, or assist the department of health, the park department and the bridge department; detain witnesses; operate telephone and telegraph lines for department uses; maintain boats for police purposes in the waters of the city; and dispose of old and disused property of the department.

THE PENSION FUND.

One of the important duties of the commissioner is the care of the *Police Pension Fund.* Of this he is sole trustee, and he is bound upon taking up his duties as such to furnish to the Comptroller a bond in the penal sum of one hundred thousand dollars to cover the faithful discharge of his duties. He must make an annual report to the Board of Aldermen concerning the condition of the fund, and another to the Mayor, covering his acts as trustee. The fund is audited by a committee of three, two of whom are members of the uniformed force and one a retired member, all three to be appointed by the Mayor. The fund consists of the following moneys: The former life insurance fund of the various municipal corporations included by the consolidation act; all fines and forfeitures of salaries; rewards and gifts to members of the department, except such as have been retained with the permission of the commissioner; lost, unclaimed and stolen money, and all money resulting from the sale of articles of like description in the possession of the property clerk; a share of the excise receipts, as prescribed by Section 2 of Chapter 626, Laws of 1904; fees paid for licenses to carry pistols; fees for licenses to give masked balls and similar entertainments; two per cent to be deducted from the monthly pay of members of the force; bequests and other gifts to the fund; and all moneys that are derived from the unexpended balance of the annual appropriation for the salaries of the department. In case of any deficiency, the Board of Estimate and Apportionment may make up the same, including the expense in the tax levy for the year.

The fund is distributed among retired, disabled and superannuated policemen, their widows and orphans, such as are

under eighteen years of age. The widow and children of any member who may be killed in the performance of his duty, or who may die from injuries so received is eligible for a pension; likewise, the widow and children of any man who may have been a member of the force for ten years, or who may have died after retirement on a pension. The amount may be divided equally among the widow and surviving children under eighteen, or, in case no widow is left, among the children. Members of the force who are permanently disabled in the performance of their duty may receive not more than one-half nor less than one-fourth of their salaries during life.

Either physical disability at the end of twenty years, or twenty-five years of service terminating at the age of fifty-five, entitles a member to retirement under a pension equal to one-half the amount of his salary. Police matrons contribute to the pension fund and share in its distribution.

THE FORCE.

The number of patrolmen provided for in Chapter 730, Laws of 1901, is 6,382. This number is, by an amendment passed by the legislature of 1904, subject to increase at the will of the commissioner, with the consent of the Board of Estimate and Apportionment. Besides the due number of inspectors, captains, sergeants, roundsmen and patrolmen, the department includes a telegraph force, operators having the rank of sergeant. There are also surgeons not to exceed forty in number. The inspection of steam boilers is carried on by a superintendent and a staff of inspectors, who are members of the department.

The law states that no steam boiler may be operated without a certificate from the department. Such certificate is granted only after thorough inspection. Boilers for heating purposes

and locomotive boilers are not included under the law. All persons having boilers in charge or acting as engineers, must have a license, which is issued after examination into the fitness of the applicant. Full records of all steam boilers and of all inspections must be kept in the department.

Doormen are provided for the care of station houses. These are not eligible by law to promotion to other grades of the force. In station houses where women are detained under arrest, matrons are appointed, who are members of the uniformed force. These have the care of all women held under arrest.

No policeman may be held liable for military or jury duty; and any officer or patrolman, while on actual duty, is exempt from the service of subpoenas from civil courts and from arrest in civil proceedings.

Appointments to the position of patrolman must be made in accordance with the civil service law, and upon taking up his duties each patrolman is required to take an oath of office. Promotions are made from eligible lists furnished by the civil service commission, and the records of candidates are of weight in determining their standing in the competitive examinations that lead to such lists. Members of the force must not be interested in any office or place of civil emolument, and cannot, furthermore, accept of nominations for public office. Unless public refusal of such nomination be made within ten days of the date on which it is offered, the recipient is assumed to have resigned from the department.

The patrolmen are divided into seven grades. The seventh grade corresponds to the first year of service; the sixth, to the second year; the fifth, to the third year; the fourth grade, to the fourth year; the third, to the first six months of the fifth year; the second, to the last six months of the fifth year. After

the fifth year of service, a patrolman may reach the first grade. Promotions from grade to grade are made on individual records. The pay of a patrolman varies from eight hundred dollars for one of the seventh grade, to fourteen hundred for one of the first.

DUTIES.

The *duties of the police department* are: to preserve the peace; prevent crime; detect and arrest offenders; suppress riots, mobs and insurrections; disperse unlawful and dangerous assemblages and such as obstruct the free passage of public places; protect the rights of persons and property; guard the public health; preserve order at elections and public meetings; regulate traffic in the streets; arrest mendicants; provide attendance at fires; assist, advise and protect strangers; inspect places of amusement and places licensed to carry on certain kinds of business; repress disorderly practices such as prostitution, lottery and poolselling, gambling and the like; enforce all laws and ordinances; and arrest persons guilty of violating the law. The department has special authority over licensed and unlicensed pawnshops, junk shops, auctioneers and dealers in second hand materials; and may at any time have access to the books of such establishments in quest of stolen property. All property or money, suspected to have been taken feloniously, is placed in the keeping of the property clerk, whose duty it is to have such articles advertised in the City Record. After property of this general description has been in the hands of the property clerk for six months without the appearance of a claimant, it is advertised and sold at public auction for the benefit of the pension fund.

Power is given to members of the force to make arrests

without warrant, and to summon any citizen to aid in making such arrests. It is a misdemeanor for a citizen to refuse to aid an officer when called upon. The refusal on the part of a policeman to make an arrest or his wilful neglect to do so for an offense against the law of the State or the ordinances of the City of New York, is a misdemeanor. It is likewise a crime of the same degree for a person, not a member of the police force and not otherwise authorized by law, to serve a criminal process, or in any way to impersonate a member of the department.

CHAPTER XI.

The Administration of the Borough.

The division of New York into five boroughs, corresponding with the separate municipalities of which the city was made up, was carried out in accordance with a well defined purpose of localizing certain powers of government. Authority is delegated to the Mayor and the Board of Aldermen in all matters of general or uniform application to the people of the city at large. When, however, the interests of only a certain section are concerned without reference to those of any other section, and when varied conditions render uniform regulations impracticable, authority is placed in the hands of the Borough Presidents or the local improvement boards.

The Presidents of the various boroughs are chosen by the voters of their respective boroughs at the general city election for the same term as the Mayor. They may be removed by the Governor in the same manner as the Mayor. A President must be a resident of his borough and forfeits his office by removal from the borough. In case of a vacancy in the office, a temporary successor is chosen to fill out the unexpired term by a majority vote of all the members of the Board of Aldermen representing the borough. A meeting for the choice of a Borough President is called and is presided over by the Mayor who may cast the deciding vote in case of a tie.

The salaries of the various Borough Presidents are as follows: Manhattan, the Bronx and Brooklyn, seven thousand five

hundred dollars each; Queens and Richmond, five thousand each.

The President of a borough is a member of and presides over the local boards of the different local improvement districts of his borough. He appoints a commissioner of public works, who has administrative powers over streets, sewers, public buildings and supplies. The commissioner of public works takes the place of the Borough President in the absence of the latter. The latter also appoints a superintendent of buildings, who is the head of the bureau of buildings. In Queens and Richmond, the Borough Presidents have charge of the cleaning of streets, the work of the street cleaning department being confined to the boroughs of Manhattan, Brooklyn and the Bronx.

Other powers of the Borough Presidents are thus stated by the charter. They shall, within the boroughs for which they shall have been elected, have cognizance and control:

"1. Of regulating, grading, curbing, flagging and guttering of streets and laying of crosswalks.

2. Of constructing and repairing public roads.

3. Of paving, repaving, resurfacing and repairing of all streets, and of the relaying of all pavements removed for any cause.

4. Of the laying or relaying of surface railroad tracks in any public street or road, of the form of rail used, or character of foundation, and the method of construction, and of the restoration of the pavement or surface after such work.

5. Of the filling of sunken lots, fencing of vacant lots, digging down lots, and of licensing vaults under sidewalks.

6. Of the removal of incumbrances.

7. Of the issue of permits to builders and others to use or open the streets.

8. Of the construction and maintenance of all bridges and tunnels which are within his borough, and form a portion of the highways thereof, except such bridges as cross navigable streams.

9. Of all subjects relating to the public sewers and drainage of his borough, and shall initiate the making of all plans for the drainage of his borough, except as otherwise specifically provided in this act. He shall have charge of the construction of all sewers in accordance with said plans. He shall have in charge the management, care and maintenance of the sewer and drainage system of the borough of which he shall be President and the licensing of all cisterns and cesspools.

10. Of the construction, repairs, cleaning and maintenance of public buildings, including markets, except schoolhouses, almshouses, penitentiaries and the fire and police station houses, and other buildings whose care and custody are otherwise provided for in this act.

11. Of the care and cleaning of all offices leased or occupied for public uses.

12. Of the location, establishment, care, erection, and maintenance of the public baths, public urinals and public comfort stations; and of the placing of all signs indicating the names of the streets and other public places.

"The President of each borough shall prepare all contracts relating to his borough, subject to approval as to form by the Corporation Counsel. He shall have such other powers as are expressly conferred upon him by this act, and such other powers as may be conferred upon him by the Board of Aldermen. He shall make an annual report of the business and transactions of his borough to the Mayor."

In no case may a pavement be removed or the surface of a street disturbed unless by a permit obtained from the Presi-

dent of the borough where the work for which the pavement is to be removed, is being done. When a pavement so removed is not relaid to the satisfaction of the borough authorities, proper repairs must be made by the city and the cost assessed upon the responsible parties by the collector of assessments and arrears in the same manner as an assessment for public improvements.

THE REGULATION OF BUILDING.

The superintendent of buildings in each borough must be a competent architect or builder of at least ten years' experience. He is answerable to the President of his borough and may be removed by him at will. The compensation of the superintendents in Manhattan, Brooklyn and the Bronx is five thousand dollars; that of the corresponding officials in Queens and Richmond, when their appointment is authorized by the Board of Aldermen, is thirty-five hundred and two thousand five hundred respectively. When no superintendent of buildings is authorized in the last named boroughs the Borough Presidents perform their various duties. It is the duty of the superintendent of buildings to enforce all special rules and regulations made by the President of his borough, as well as the general law concerning buildings that is embodied in the building code as passed by the Board of Aldermen. Under his direction are the chief inspectors and inspectors, the former being appointed only after ten years' experience as architect, engineer, or builder, and the latter only after five years of service at one of these trades or as a mason, carpenter, plumber or ironworker. One of the chief inspectors may be designated by the superintendent to act in his place when absent. The superintendent possesses the power of removal over all inspectors.

The superintendent of buildings and the President of any borough, except the authority of the two be vested in the same person, may alter or modify the application of existing building laws when there may exist practical difficulties in the way of their fulfillment. Such modifications must conform to the spirit of the law. The superintendent passes upon materials and methods of construction. Whenever it is claimed that his refusal to approve these items as submitted is not in accordance with the building ordinances, the architect or builder submitting them may appeal from his decision. Appeals are heard by a board of examiners consisting of one member of the New York chapter of the American Institute of Architects. one member of the New York Board of Fire Underwriters, two members of the Mechanics and Traders' Exchange of the city, one of whom shall be a master mason and one a master carpenter, one member of the Society of Architectural Iron Manufacturers of the city, and one member of the Real Estate Owners and Builders' Association of the city, who shall be an architect or builder, all of whom shall be appointed by their respective associations, and so certified to annually to the Mayor of the City of New York, and the Chief of the fire department of the City of New York. Records must be kept of all applications relating to the construction, alteration, or removal of buildings, and these must be open at all times to public inspection.

The building laws of New York City, except such as are embodied in the charter, are found in the *building code*. This code is an ordinance of the Board of Aldermen. It provides that: "Before the erection, construction, or alteration of any building, or part of any building, structure, or part of any structure, or wall, or any platform, staging or flooring to be used for standing or seating purposes, and before the con-

struction or alteration of the plumbing or drainage of any building, structure or premises is commenced, the owner or lessee, or agent of either, or the architect or builder employed by such owner or lessee in connection with the proposed erection or alteration, shall submit to the commissioner of buildings for the borough in which the premises are situated a detailed statement in triplicate of the specifications, on appropriate blanks, to be furnished to applicants by the department of buildings, and a full and complete copy of the plans of such proposed work as the commissioner of buildings having jurisdiction may require, all of which shall be accompanied with a statement in writing, sworn to before a notary public or commissioner of deeds, giving the full name and residence, street and number, of the owner, or of each of the owners of said building, or proposed building, structure or proposed structure, premises, wall, platform, staging or floor." Not until these requirements have been met, can a permit be obtained from the department.

The code defines the application of certain terms; describes the quality of materials; and gives detailed specifications of the mode of construction of buildings of various kinds and of the parts of such buildings from cellar to roof. It also gives special attention to the construction of theatres and places of public assemblage; the particulars of iron and steel construction; and to plumbing and drainage. The fire limits, as specified in Section 143 are important, since they mark the limits within which wooden or frame houses may not be erected.

Penalties attached to the violation of the building law may be recovered by civil action. In case an unsafe building is to be vacated or a violation removed, the city must apply through the Corporation Counsel to the Supreme Court for an order

directing the superintendent of buildings to have made the necessary alterations and requiring, if necessary, that the premises be vacated.

The regulations affecting the plumbing and drainage of buildings present in detail the sizes and materials required for all pipes and fixtures, and directions for the distribution of each system in agreement with the principles of sanitation. By a statute of the State Legislature, the department of buildings posssses authority over the licensing of master plumbers. Every plumber who employs men, must register annually with the department, before becoming an employing, or master plumber, a certificate of competency, without which he may not pursue his trade.

The inspection work of the bureau of buildings in each borough is divided according to the nature of the work into the inspection of carpentry and masonry, iron and steel construction, elevators, plumbing, and light and ventilation.

CHAPTER XII.

Local Improvements.

The City of New York is divided into twenty-five districts, known as *"districts of local improvements."* In each of these there is a local board, made up of the President of the Borough and of the aldermen who represent the aldermanic districts within the local improvement subdivision. The express purpose of this distribution of the authority of government as provided by the charter is that of home rule. The first local district covers the borough of Richmond, including the whole of Staten Island. The second and third are those of Newtown and Jamaica and embrace the entire borough of Queens. Brooklyn contains eight districts, from the fourth to the eleventh, inclusively. The districts from the eleventh to the twenty-fourth are in Manhattan and the latter, together with the twenty-fifth, belongs to the Bronx.

The local boards meet in the borough halls of their respective boroughs. Meetings are called by the President whenever he may deem such meetings to be required by the public interest, or upon the written request of three members. The method of procedure at such meetings is by resolution only, and any resolution, before taking effect, requires the approval of the President.

A local board has power, where the cost of improvements is to be met wholly or in part by assessments upon the property to be benefited, to initiate proceedings for the following purposes: "To construct tunnels and bridges lying wholly within

the borough; to acquire title to land for parks and squares, streets, sewers, tunnels and bridges, and approaches to bridges, and tunnels; to open, close, extend, widen, grade, pave, regrade, repave and repair the streets, avenues and public places, and to construct sewers within the district; to flag or reflag, curb or recurb the sidewalks, and to relay crosswalks on such streets and avenues; to set or to reset street lamps; and to provide signs designating the names of the streets. All resolutions affecting more than one local improvement district or the borough generally, shall be adopted only at a joint meeting of all the local boards of the borough, and by a majority of the members of said boards."

Complaints against disorderly houses, nuisances in streets and other public places, drinking saloons violating the liquor laws, gambling houses and other places of similar general character, may be heard by the local boards. Resolutions that are passed in consequence of hearings of this nature and that deal with the good government of the district are forwarded to the Mayor; after which, if they are not found to be general in character, they pass into effect. Such hearings are provided for in order that the local boards may be of aid to the Board of Aldermen and the various administrative departments in the effective government of the city.

Local improvements generally originate with a petition signed by taxpayers and presented to the President of the borough. It then becomes his duty to submit such petition at a meeting of the local board for the district affected. That body must pass upon the matter, and, in the event of favorable action must forward the resolution embodying its conclusions to the Board of Estimate and Apportionment. If the latter board approve, the original resolution is then returned with such approval to the President of the borough, who may pro-

ceed with the work demanded. The usual estimates are to be submitted and costs duly assessed, the latter being a lien upon the property interested. Whenever the total cost of an improvement is less than two thousand dollars, the resolution of the local board need not receive the approval of the Board of Estimate and Apportionment. Any improvement costing more than five hundred thousand dollars must be passed upon by the Board of Aldermen.

An important restriction upon the powers of the Board of Aldermen is that which forbids it from entering upon any direct contract for public work. All contracts must be made by the borough presidents or by the heads of the appropriate departments, acting in accordance with the regulations established by the Board of Aldermen. Every expenditure of more than one thousand dollars for work must be by contract, unless otherwise ordered by a three-fourths vote of the aldermen. Contracts are awarded only after due advertisement, and are founded upon sealed bids. They are let to the lowest bidder, except by a three-quarter vote of the Board of Estimate and Apportionment. The body has the power, if the public interest seem to require it, to award contracts to other than the lowest bidder. Proposals to furnish supplies or to do work must be accompanied by a certified check, to be deposited with the Comptroller, for not less than three or more than five per cent of the amount involved. Copies of all contracts and a final certificate of completion must be filed with the Comptroller.

It will be seen from the outline description of local and borough governments in this chapter and the preceding one, that practically all powers that are not of general application, are vested in the borough Presidents and the local boards. The borough divisions differ widely in topography and in popula-

tion. It is a far cry from the densely settled sections of the east side of Manhattan to the woods of Staten Island or the marshes of Jamaica Bay. The municipal requirements for the one differ widely from those called for in the other. Here, then, will be seen one advantage derived from the present system of independence in local administration, since the popular representatives of either section are free to work out the best results for its welfare, unhampered by political or personal interference from others who are not concerned. In fact, the local improvement districts correspond more nearly to the municipal divisions known as boroughs in foreign cities, such as London, than do our boroughs themselves.

Beneficial results may also be derived from the supervisory powers of the local boards. It is no difficult matter for any citizen, no matter how little known he may be in the community, to present his grievances or suggestions to a body that is made up of men who are practically his neighbors. The relation of an alderman to his constitutents insures them a hearing from him. By conferring upon him the obligation of supervision over the good government of his district, the charter extends the representative nature of that government.

CHAPTER XIII.

Light and Water Supply—Street Cleaning—Bridges—Docks and Ferries.

The water supply of a city and the lighting of its streets are two of the first considerations that confront a municipal government. The former is essential to its life and the latter to its safety. A street lamp is more valuable to the well-being of a community in one of our great cities than is a policeman. The duty of providing water and light devolves upon the department of gas, water supply and electricity. The commissioner at the head of the department appoints a deputy commissioner for each borough in which there may be located a branch office of the department, and such deputies have, under his direction, full supervision of the work of the department in their various boroughs. He likewise may appoint and remove a chief engineer of the department, who has full authority to appoint or remove, or to detail a staff of assistant engineers. All such engineers must be civil engineers of at least ten years experience. The commissioner may also transfer employees of the department from one borough to another as the exigencies of the service may demand.

The commissioner of gas, water supply and electricity is appointed by the Mayor and receives a salary of seven thousand five hundred dollars. He has jurisdiction over the following muncipal interests: (1) All property connected with the supply and distribution of water for public use, including all fire and other hydrants and water meters; (2) the maintenance of

a pure and sufficient supply of water; (3) the collection of water rates; (4) the enforcement of ordinances concerning the use of water; (5) the making of contracts for the use by the city of gas and electricity for purposes of illumination, and the transmission in conduits of gas, steam, pneumatic power, and electricity through and under streets and other public places, and for all uses. A branch office is located by statute in each of the boroughs. The commissioner also has the power, peculiar to his department, of directing that work be done entirely outside of the limits of the municipal corporation. The consent of the Board of Estimate and Apportionment and the written permission of the Mayor and the Comptroller are required before the commissioner of this department may enter upon a contract.

Sources of supply for the city's water are determined by the department, with the assent of the Board of Estimate and Apportionment. Land for this purpose may be acquired—except in Suffolk County—by condemnation proceedings through the Corporation Counsel. The city is forbidden, however, to acquire land that is already in use for purposes of water supply to other cities, towns and villages of the State, or for the feeding of canals. Full compensation is allowed to owners by law for any damages suffered. The city may also condemn and seize property in order to prevent the pollution of the ponds and streams that form the origin of its water supply.

Water rents are taxes laid upon the use of water. They are fixed by the Board of Aldemen, upon the recommendation of the commissioner, and are determined either according to the class of the building, number of families, various fixtures and their uses, and other indications of the amount of water consumed, or by meters. In the first instance a general scale of

fixed rates is charged; in the second, the actual consumption of water is measured.

It is a misdemeanor in any way to pollute the sources of the water supply of New York City.

The department of gas, water supply and electricity must inspect all water meters, both before they are installed and while they are in operation. It must likewise inspect all electric meters used to measure the city's consumption of electricity for lighting purposes. Permits are issued by the department for the laying or the removal of electric wires. Such wires may at any time be required by the Board of Estimate and Apportionment to be placed underground.

THE DEPARTMENT OF STREET CLEANING.

The street cleaning commissioner of New York City is designated in the same manner as the heads of the various other departments discussed in this chapter. He receives a salary of seven thousand five hundred dollars. The powers of the commissioner extend only to the three boroughs of Manhattan, Brooklyn and the Bronx.

The department is divided into a clerical and a uniformed force. Included in the latter are a general superintendent; superintendent of final disposition; twenty-one district superintendents; assistant superintendents, foremen, inspectors, and other employees as specified by law. Three thousand one hundred sweepers and sixteen hundred drivers are allowed by the charter; but the commissioner has the authority, with the consent of the Board of Estimate and Apportionment and the Board of Aldermen, to increase this force from time to time to meet the demands of the work. All members of these two forces are appointed by the commissioner, and may be removed

or punished by suspension or loss of pay. No employe, however, can be removed until he has been afforded an opportunity to be heard in his own defence. Members of the department of street cleaning are exempt from military or jury duty.

The duties of the commissioner are thus outlined by the charter: "The commissioner of street cleaning shall have cognizance and control:

"1. Of the sweeping and cleaning of the streets of the boroughs of Manhattan, The Bronx, and Brooklyn, and of the removal, or other disposition, as often as the public health and the use of the streets may require, of ashes, street sweepings, garbage, and other light refuse and rubbish, and of the removal of snow and ice from leading thoroughfares and from such other streets within said boroughs as may be found practicable.

"2. Of the framing of regulations controlling the use of sidewalks and gutters by abuttingowners and occupants for the disposition of sweepings, refuse, garbage or light rubbish, within such boroughs, which, when so framed, and approved by the Board of Aldermen shall be published in like manner as city ordinances, and shall be enforced by the police department in the same manner and to the same extent as such ordinances."

Streets and wharves that are under the control of either the department of parks or the dock department, do not come within the jurisdiction of the commissioner of street cleaning. It is the duty of the department also to remove all unharnessed trucks or vehicles of any description, together with barrels, bales, or other removable property, found in the public streets. Property seized in this manner may be redeemed by the owner by the payment of a sum not to exceed ten dollars. Such

property as remains unclaimed is, after due procedure, sold at public auction.

The expenses of street cleaning in the boroughs of Queens and Richmond must not exceed the amount annually allowed for the purpose in the budget. Any excess of expenditure due to the removal of ice and snow, however, may be met by the issue by the Comptroller of special revenue bonds.

DEPARTMENT OF BRIDGES.

With the rapid growth of those portions of Greater New York that lie outside of Manhattan Island, the departments that are charged with the care of municipal bridges and ferries have increased greatly in importance. The conditions, which compel vast multitudes daily to travel back and forth between the borough of Manhattan, on the one hand, and Brooklyn, Queens or Richmond, on the other, are creating a progressive demand for such public works as the various East River bridges and the new ferry between the Battery and Staten Island.

All bridges that are constructed by the city and all tunnels extending across the waters of a navigable stream or having a terminus in each of two borough, are under the management of the bridge department. The commissioner of bridges has supervision over their construction, maintenance and repair, except in cases where the jurisdiction of the Rapid Transit Commission is supreme.

The commissioner of bridges must pay over daily to the Chamberlain all money received by the department for fares and tolls, and he must also make each day a report to the Comptroller, showing the amounts thus collected. The police courts and other courts located in the boroughs of Manhattan

and Brooklyn have concurrent jurisdiction over all crimes and other offenses committed upon any bridge that connects the two boroughs; that is, cases may be tried by any court in which they may be brought up, irrespective of the borough in which it is located. The police department has full authority upon all bridges.

The commissioner of bridges is appointed by the Mayor and receives a salary of seven thousand five hundred dollars. He appoints a chief engineer of his department with power to appoint assistant engineers, subject to the same requirements as in the department of gas, water supply and electricity.

DOCKS AND FERRIES.

The head of this department is called the commissioner of docks. He is appointed by the Mayor and receives a salary of six thousand dollars a year. In turn he has the power of appointing and removing one deputy commissioner. The commissioner has full control, subject in certain particulars to the commissioners of the Sinking Fund, of wharves, piers, bulkheads, slips, basins, water fronts, land under water, and all waters adjacent to any of the above, that belong to the City of New York. He also has charge of all ferries and ferry property belonging to the city and may, with the approval of the Sinking Fund Commission, establish new ferries, the franchises of which may be leased in the manner provided by law.

The consent of the commissioners of the Sinking Fund is required before the commissioner of docks may amend the plans of the water front, lease dock property, or purchase new property for the use of the city within the scope of his department. With such consent, however, he may also carry out the construction and filling in of docks and wharves, and he may

widen marginal streets for the convenience of access to the water front. Over such marginal streets the dock department possesses administrative authority. Surveys and soundings are to be taken from time to time, in order to determine the fitness of different parts of the water front for commercial uses. No pier may be extended further than a line, which is established by the Department of War of the United States government.

Property required for public uses in connection with this department may be taken in the usual manner by condemnation proceedings. Riparian rights are property rights to the banks of a stream, whether navigable or not, or to land under water in the same.

The commissioner of docks fixes for all docks, piers and wharves that are open to public use, a scale of rates known as wharfage charges. He may appropriate such property as he sees fit to the sole use of a certain class of commerce, such as steamboats, canal boats and sailing ships. Leases are granted for terms of ten years with the privilege of consecutive renewals up to fifty years, and are either sold at public auction after due advertisement, or else approved by the Sinking Fund Commission. This body may, upon the appeal of a would-be lessee of dock property, over-ride the decision of the commissioner of docks, provided that such decision has involved the rejection of the bid. The action of the commissioners of the Sinking Fund will then be binding upon the department. The commissioner may, in cases where a permanent lease cannot be arranged, grant temporary permits for periods not to exceed one year. He may grant permits for the use of dock property for the handling and sale of fish and oysters, and for the creation of booths and similar structures to be used for that purpose. The lease of a ferry franchise may be for a term of

twenty-five years, with the privilege of renewal for a term of ten years. The proceeds of all ferry leases are paid into the Sinking Fund.

The commissioner of docks makes rules and regulations for the proper care of the property under his control. The violation of these rules is a misdemeanor, punishable by a fine of not more than five hundred dollars, or imprisonment for not more than thirty days, or both. He is required to set apart piers and other space for the following uses: Recreation piers; floating baths; the various needs of the street cleaning, health, and fire departments; and public markets. The recreation piers are under the direction of the department of docks, and order is maintained thereon by the city's police.

Provision is made in the charter for the regulation of buildings to be erected on leased docks; the appointment and duties of dock masters; the removal of obstructions by the department, and sale of merchandise removed and unclaimed; the allotment of space for canal boats and the landing of garden produce, oysters and like commodities; and wharfage rates.

CHAPTER XIV.

Parks—The Art Commission—Charities—Corrections—Tenement Houses.

The public parks of New York City are under the supervision of a board of three commissioners, one of whom is designated in the appointment of the board as president. The Mayor also specifies in which of the boroughs each commissioner shall have jurisdiction. The principal office of the department is in Manhattan, and there are branch offices in Brooklyn and the Bronx. The salary of a commissioner is five thousand dollars.

The Board of Aldermen by general ordinances establish rules and regulations for the public parks and for all property placed in charge of the park board. The park board has power to establish and enforce general rules and regulations for the administration of the department, and, subject to the ordinances of the Board of Aldermen, for the government and protection of the public parks and of all property in charge of said board or under its control. These rules and regulations, so far as practicable,must be uniform in all the boroughs Any person violating any ordinances relating to the parks or other property mentioned in this section is guilty of a misdemeanor.

The park board has authority to employ a landscape architect, whose duty it is to prepare plans for the arrangement and ornamentation of parks. Each commissioner has charge of parks within the limits of the borough or boroughs to which

he is assigned, and looks after the maintenance of such buildings as are set aside or erected for public use as museums, libraries, aquaria, and botanical or zoological gardens. Among these are the Metropolitan Museum of Art, the American Museum of Natural History, the New York Public Library at Manhattan; the botanical and zoological gardens in the Bronx; and the land set aside for the use of the Brooklyn Institute of Forty-second street and Fifth avenue, and the Aquarium, in Arts and Sciences and known as Institute Gardens. The title to all park property is vested in the City of New York.

The *Art Commission for the City of New York* consists of the Mayor, the president of the Metropolitan Museum of Art, the president of the New York Public Library, and the president of the Brooklyn Institute of Arts and Sciences, all of them members, *ex officio;* together with one sculptor, one painter, one architect, all residents of New York City, and three other residents, who must not be members of any of these professions. The six last indicated are appointed by the Mayor, from a list of names proposed by the Fine Arts Federation. Three names must be submitted for each vacancy. Whenever the commission acts upon matters pertaining to any department, the commissioner in charge of that department acts as a member. The three professional members of the commission are appointed for terms of three years each. In order to make the organization of the body permanent, the first three so appointed determined by lot which should serve for terms of one, two and three years, respectively. Their successors were then appointed for the full term. The lay members followed the same method of procedure, so that only two appointive vacancies may now fall in the same year, except through death, removal by the Mayor or resignation. Members serve without compensation.

No work of art may become the property of the city by gift, purchase, or otherwise, unless such work of art, or a design of the same, shall first have been submitted to the art commission and approved by it. The proposed location of any such work must be determined by the commission, and no work may be installed or created without its approval. The commission passes upon designs for bridges, approaches, municipal buildings, gates and other public property of like character, and upon the artistic features of any private property that may extend over or upon streets and other public places. A time limit of sixty days is set within which the commission must reach a decision on any subject, and the Mayor may, in cases that involve the immediate removal or relocation of any work, require action within forty-eight hours.

THE ADMINISTRATION OF PUBLIC CHARITIES.

The term, public charities, covers the care by the city of the sick, the infirm, the destitute and the feeble minded. The municipal government provides for these classes partly by means of institutions and organized aid which are managed by the department of charities, and partly by financial assistance granted to private institutions. The commissioner is appointed in the same manner as other department heads, at a salary of seventy-five hundred dollars. He appoints two deputies.

The authority of the department of public charities includes the following institutions: The Asylum for the Indigent Blind, the Ctiy Hospital and Training School for female nurses, the Metropolitan Hospital and Training School, the New York Home for the Aged and Infirm, all located on Blackwell's Island; the Randall's Island children's

hospital and schools; the municipal lodging house; the almshouse, Kings County Hospital, Brooklyn Homeopathic Hospital and training school, in the borough of Brooklyn; and the New York City farm colony on Staten Island. The different morgues are in the care of the charities department. Temporary care must be provided by the department for all persons who are either the victims of accidents, or who may be awaiting examination as to their sanity before being committed to a State institution for the care of the insane. Two bureaus attend respectively to the relief of dependent adults and dependent children. The commissioner is charged with the duty of enforcing the law concerning the support of children who may be born out of wedlock, and the necessary mode of procedure is covered in the city charter.

On February first, 1902, the control of the institutions known as *Bellevue and the Allied Hospitals,* passed into the hands of a board of seven trustees and the commissioner of charities, who became a member by virtue of his office. The trustees are appointed by the Mayor from names that may be submitted by the following organizations: The United Hebrew Charities, the New York council of the Society of St. Vincent de Paul, and the New York Association for Improving the Condition of the Poor. Each society is called upon to forward twice as many names as there are vacancies to be filled. The board is made a continuous body in the same way as has been described in the case of the municipal art commission. A trustee may be removed only upon the presentation of written charges and after a hearing before the Mayor. The hospitals included are Bellevue, Gouverneur, Harlem, Fordham and the Emergency hospitals.

The Board of Estimate and Apportionment is required to

include in the annual budget appropriations sufficient to pay varying sums as specified to a large number of private charitable organizations. These payments are either of fixed sums, as that of thirty thousand dollars to the New York Society for the Prevention of Cruelty to Children; or of sums proportional to the number of persons received and benefited by the institutions aided.

THE DEPARTMENT OF CORRECTION.

This department, which was formerly combined with that of public charities, has the management of all institutions for the care and custody of criminals that belong to the City of New York, excepting only such as are by law placed in charge of some other department. The commissioner is appointed in the same manner as the commissioner of charities at the same salary. He may name one deputy. The rules by which the institutions under his control are to be governed are made by him, and he may delegate the powers of appointment and removal of subordinates to the heads of such institutions. The commissioner has sole charge over criminals and misdemeanants, but not over destitute persons. These must be classified in such a way as to separate youthful and less hardened offenders from older persons convicted of crime. Classes and schools for the instruction of the inmates of different institutions are maintained by the department. These inmates must be kept at manual employment, and may be detailed to perform work for other departments of the city government. No hospital service may be performed by a convict, except in penal institutions. All prisons that contain female prisoners must have matrons, in addition to the other prison officers, and these have immediate charge of such prisoners.

Among the institutions over which the Department of Correction has jurisdiction are the city prison in Centre Street, the penitentiaries on Blackwell's Island and in Brooklyn, the city jail in Brooklyn, the district prison, and the work house on Blackwell's Island with branches on Hart's and Riker's Islands. The House of Refuge, the House of Detention for Witnesses, the Brooklyn Disciplinary Training School for boys, and the institutions conducted by various charitable societies are not under the administration of the department of correction.

THE TENEMENT HOUSE DEPARTMENT.

In no way has the advancement of municipal government in American cities been more clearly marked than in the regulation of conditions among tenement houses. Certain parts of New York City are enormously over-populated. The reasons for this are two-fold, economic and racial. The long hours and the low compensation of labor in the clothing district, for example, make a nearby residence compulsory to such as have to earn their living in that trade. The tendency to segregation due to race and religious sympathies, furthermore, causes immigrants to flock together in communities according to nationality and religious belief. The result of these conditions is a condensation of the population into tenement houses with all its attendant sanitary and moral perils. A further result, and one that it would be difficult, if not quite impossible, to modify by law, is an increase in the cost of living in such areas of condensation, since the prices of food and the rents of apartments rise hand in hand with increased demand.

The head of the tenement house department is the tenement house commissioner, appointed by the Mayor at a salary of

seven thousand five hundred dollars. He may appoint and remove at his discretion two deputies, at the usual salary of a deputy commissioner—four thousand dollars a year. The department has three bureaus: a new building bureau; an inspection bureau; and a bureau of records. A separate division of the department is made for the boroughs of Brooklyn, Queens and Richmond. The bureau first named includes not less than three plan examiners and sixteen inspectors of light and ventilation. There must be not less than one hundred and ninety inspectors in the bureau of inspection. The bureau of records is made up of clerks, and the commissioner appoints a chief inspector over each bureau.

The bureau of inspection has authority over all completed tenement houses. Inspectors throughout the department must report at least once a week in writing to the commissioner concerning their work. A complaint book must be kept open in each office of the department for the entry of general complaints concerning violations of the tenement house law.

The various powers possessed by the health, fire, police and building departments are conferred upon the department of tenement houses, as far as those powers apply to tenement buildings. Sweatshops in tenement houses are especially regulated in the labor laws of New York State, being under the jurisdiction of the State factory inspectors. Full right of entry is given to inspectors of the department of tenements. The police commissioner must detail, upon the formal request of the head of the tenement house department, a requisite number of records is made up of clerks, and the commissioner appoints

The tenement house law, as formulated by the famous Tenement House Commission of 1900 and amended in subsequent years, describes the required details of construction in tenements with special reference to fire escapes, stairs and hall-

ways, access to roofs, cellars, light, ventilation, size of rooms, sanitation, sizes of courts and yards, height of buildings, and powers of the department. The department has concurrent jurisdiction with the building department over new tenement houses. Penalties for the violation of the law are liens against the property affected. The commissioner may cause infected or uninhabitable houses to be vacated upon order, such order being issued in any case of contagious illness, or of defects in plumbing, light, ventilation, or construction. Peremptory powers in this particular are given to both the tenement and health departments, though not to the department of buildings. An assistant corporation counsel is assigned to the department of tenements for advisement and the prosecution of violations.

The operation of the law affecting tenement houses has resulted beneficially in a number of ways. Prostitution has, to a large extent, been eliminated from sections in which it formerly flourished. By the increase in lighted areas and improved ventilation, consumption, which has come to be regarded as the characteristic tenement house disease of New York, has been met, and its spread checked. Better sanitary conditions and cleanlier surroundings have reduced the amount of sickness and infection that once prevailed. Tenants are now protected against peril from fire by carefully guarded construction and by prescribed requirements as to fire escapes.

The tenement house law applies to cities of the first class in New York State.

CHAPTER XV.

The Fire Department.

This department is organized, like that of the police, upon a semi-military plan, with the commissioner at the head. Under the commissioner are two deputies, at a salary of five thousand dollars each, one of whom may be designated to act in the absence of his superior, the other to have charge in the boroughs of Brooklyn and Queens. The compensation of the commissioner is seven thousand five hundred dollars, and he is appointed and removed in the usual manner of department heads.

When the act of consolidation went into effect, only the cities of New York, Brooklyn and Long Island City had paid fire departments. In Staten Island, and among the towns and villages of Queens, there were numerous volunteer organizations, some of which were equipped with modern apparatus. The new charter provided that, as rapidly as possible, the paid department should be extended through new territory; in the meantime the volunteer companies remained in operation, and the city paid into the treasury of such companies funds sufficient materially to increase their efficiency. In extending the paid system, preference must be accorded to the existing companies, and a volunteer fireman may become a member of the department upon passing a non-competitive examination to determine his fitness for the appointment.

The fire commissioner is the treasurer of the fire depart-

ment. He has full power to control and manage all property of the department; to provide and maintain horses and apparatus; to organize bureaus and appoint subordinates. The bureaus of the department are as follows: The bureau of the chief of department. This has charge of the work of preventing and extinguishing fires, and of protecting property from damage by water used at fires. The head of the bureau is known as the Chief of the fire department. The bureau of combustibles has control over the storage, sale and use of combustible materials, and is under the direction of the inspector of combustibles. The division of the department that is charged with the investigation of the origin and cause of fires, is known as the bureau of the fire marshal. Other divisions of the department are the fire alarm telegraph bureau, the repair shops, and the branch of the superintendent of buildings.

Assignments to duty and promotions in the uniformed force are made by the commissioner upon recommendation from the chief of department, subject, of course, to civil service regulations. Promotions are based upon seniority in service, personal capacity, and meritorious record. Bravery in the performance of duty is taken as evidence of merit, the relative rating on this point, as upon others, being determined by the civil service commission.

Authority is given to the commissioner to locate all alarm signal boxes. Any person tampering with a signal box, whether to send in a false alarm or for some other purpose, or in any way obstructing, defacing or interfering with either the box or the wires of communication, is guilty of a misdemeanor.

No member of the department is permitted to accept a

nomination for office, and any member receiving such nomination and failing to decline it within ten days, is assumed to have vacated his position. The uniforms worn by the department are prescribed by the commissioner, and it is a misdemeanor for anyone, not a member of the department, to wear the uniform of a fireman. Permission of the commissioner is required both for resignation and for absence from duty, and failure to obtaain this is punishable by forfeiture of pay. Firemen are exempt from military service, jury duty, arrest on civil process, and while in the actual performance of duty, the service of subpœnas. Each individual, who is appointed to the force, must take an oath of office as prescribed by the commissioner.

The general qualifications for membership in the fire department are given as follows in the amendment of 1904:

"No person shall be appointed to membership in the fire department or continue to hold membership therein, who is not a citizen of the United States, or who has ever been convicted of felony; nor shall any person be appointed who cannot read and write understandingly the English language, or shall not have resided within the state one year immediately prior to his appointment, or who is not over the age of twenty-one and under the age of thirty years, except that after a person's name is placed on the eligible list, he may be appointed while his name continues on the same list, although meanwhile he may have attained such age. Every member of the uniformed force shall reside within the limits of the City of New York."

The discipline of the force is in the hands of the fire commissioner, who makes all rules and regulations for the department. He may punish the infraction of rules and other offenses with reprimand, forfeiture of pay up to the amount

of ten days' pay, or dismissal. All punishments must be after due hearing. Trials must be conducted in the borough in which the accused member was serving at the time when the charge was preferred.

The grades of service and ranks of officers are as follows: The fourth grade at eight hundred dollars pay, during the first year of service. The third grade, at one thousand dollars, during the second year; the second grade, at twelve hundred dollars, during the third year; and after that the first grade, at fourteen hundred dollars. The chief of department is in charge of the bureau that bears his name, and is the ranking officers of the fire department under the commissioner and his deputies. Deputy chiefs, battalion chiefs, captains or foremen of companies, lieutenants or assistant foremen and engineers of steamer, complete the list of officers.

The police department is required to co-operate with the fire department in insuring protection against fire, arresting persons who violate the laws at fires, extending fire lines and other similar duties.

Apparatus of the fire department have legal right of way over all vehicles, except those carrying United States mail. Fire hydrants must not be obstructed, and it is the duty of the department to remove any obstruction that would prevent access to a hydrant, as well as to take proper measures to keep them from freezing.

Authority is given to the commissioner to pull down or cause to be blown up any buildings that, during the progress of a fire, may seem likely to assist in the spread of the damage. This work is performed by the corps of sappers and miners, which is made up of not more than three members of each company in the department. The corps is drilled

in the use of explosives. Persons, whose property is destroyed in pursuance of this power of the commissioner, may by an action in the Supreme Court, secure an order for a jury to assess the damage incurred. They will then receive compensation in the same manner as persons whose property has been taken for public uses.

For the prevention of fires, it is required by law that all hoistways, trap doors, well holes and iron shutters in structures used for business purposes, shall be shut at the close of the business day. For a violation of this law a fine of fifty dollars is imposed, and if any member of the department be killed, the parties responsible for the failure to close these parts of the building may be held liable for damages for not less than one thousand dollars. Any person who may, through culpable negligence or criminal intent, cause a fire, may be held to answer in a civil action for all losses caused and for the expense of extinguishing the fire, at the same time being punishable for arson under the criminal law.

No fireworks or other explosives may be made in the city, except in such quantities and under such conditions as the commissioner may prescribe. A license is likewise required for the sale of oils and other petroleum products for illuminating purposes. If the violation of the law with respect to either of these provisions results in loss of life, the responsible party is criminally liable for a felony. The fire department has further supervision over the storage of chemicals and other combustible materials, subject to the ordinances of the Board of Aldermen and the Municipal Explosives Commission.

The Municipal Explosives Commission consists of five members, one of whom is the fire commissioner. The other four are appointed by the Mayor from a list of ten names to be fur-

nished by the New York section of the American Chemical Society. It is the duty of this commission to make regulations for the manufacture, storage and sale of explosives. No gun powder, blasting powder, dynamite, guncotton or nitro glycerine may be manufactured in New York City. Members of the fire department are empowered to enter any building or other place where combustible material may be stored, in order to ascertain whether the law is being complied with.

THE FIRE MARSHALS.

The fire commissioner is authorized to appoint two fire marshals, whose duty it is to investigate the origin of fires and to look into the enforcement of the laws relating to fires. The fire marshal is required to ascertain, if possible, all cases of delinquency on the part of members of the department, and to detect and secure the punishment of all persons guilty of arson or incendiarism. If, in following out an investigation, the testimony of any person be needed, the fire commissioner may summon the attendance of such person by subpœna, issued by the Corporation Counsel with the authority of the Supreme Court. Failure to respond to a summons of this character is punishable as contempt of court. Hearings before a fire marshal are conducted under oath, and such evidence as may be obtained may at any time be placed before a grand jury for use in indictment proceedings.

The crime of *arson* is divided into three degrees. Arson in the first degree consists of willfully burning or setting fire to, in the night time, either a dwelling house in which there is a human being at the time, or a car, vessel, structure or building other than a dwelling house in which there is, to

the knowledge of the defendant, a human being. Any offense committed in the day time, that would at night be arson in the first degree, or the burning at night of a building in which there is no human being, is arson in the second degree. The setting fire to or burning of property for the purpose of securing the payment of insurance, or any act of arson under circumstances not amounting to the first or second degree, is arson in the third degree. The penalty for arson in the first degree is imprisonment for a term not to exceed forty years; in the second degree, twenty-five years; and in the third degree, fifteen years.

A fire marshal, his assistants and agents have full right of entry in the performance of their duties. It is the duty of the marshal to report the result of any investigation to the fire department, the police department, the district attorney, the board of fire underwriters, the owners of the property concerned, and all other persons immediately interested, and to secure the arrest of any parties who may be incriminated by the evidence obtained. The salary of the fire marshal is three thousand dollars.

THE RELIEF FUND.

Consideration has already been paid to the provision made by law for the relief and support of disabled and superannuated policemen, their widows and orphans. Members of the fire department are similarly provided for by the maintenance of two funds, the relief fund and the life insurance fund. The fire department relief fund consists of the following moneys: (1) The proceeds of any funds that were formerly applied to that purpose in any municipality of the greater city prior to consolidation; (2) Forfeitures and fines imposed by the

commissioner; (3) All rewards or gifts paid to members on account of extraordinary service, except such as are allowed by the commissioner to be retained; (4) The proceeds of suits to collect penalties for the violation of the law applying to combustibles, explosives and the care of buildings, together with license fees received in connection with the handling of such materials; (5) Money resulting from the sale of condemned horses and other department property; (6) Deductions from salaries on account of absence; (7) Ten per cent of the excise fees received in Manhattan, the Bronx and Brooklyn, and four and one-half per cent of such fees received in Queens and Richmond. The last item may be paid over by the Comptroller annually without action by the Board of Estimate and Apportionment in an amount that must not exceed the actual sum necessary to enable the treasurer to meet all demands upon the fund. The fire commissioner is treasurer of the department and gives bond in the sum of one hundred thousand dollars.

The commissioner must report annually on or before February first, giving details of his administration of the fund. The report is audited by a committee of three, appointed by the Mayor, two being active members of the uniformed force and one a retired member. Provision is made in the charter for the payment of certain funds to the exempt or veteran volunteer firemen's associations, of Queens and Richmond, and the treasurer of the State volunteer firemen's association for the benefit of the firemen's home at Hudson.

Pensions are awarded after retirement under these conditions: Members who are totally and permanently disabled in the actual performance of duty, or after ten years of active service, may receive a pension equal to half the amount of their annual salary. In case such disability is not suffi-

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cient to hinder a member from the performance of light work, he may be continued in the service in a position that is suited to his physical condition, and at a compensation equal to that which he received when his disability was incurred. Total disability not caused in or by actual performance of duty entitles a member to retirement on a pension of one-third of the amount of his salary. Upon his own request, a member may be retired on half pay at the end of twenty years of active, continuous service. Otherwise the commissioner has full power over the retirement of members. If the state of the pension fund does not allow the payment of the amounts specified, members are paid in proportion to their periods of service.

The life insurance fund is supported by monthly assessments as necessary upon the pay of all members, active and retired. The death benefit is one thousand dollars.

THE TAX UPON FOREIGN INSURANCE COMPANIES.

The charter makes the following provision for a tax upon foreign insurance companies doing business in New York City:

"Any corporation or association created by or organized under the laws of any government other than the States of this Union, and having assets, funds or capital, not less in amount than one hundred and fifty thousand dollars, invested in this State, shall be liable to taxation upon such assets, funds or invested capital as the same is levied or assessed yearly by law, which tax shall be paid as follows: Such an amount thereof as would be equal to two per centum upon its gross premiums received for insurance upon property, in the City of New York shall, except as otherwise in this

title provided, be paid annually to the fire commissioner as treasurer of the fire department, and the residue of said tax requisite to make up the full amount of taxation upon its capital shall be paid to the City of New York, as in the case of ordinary taxation; and the payments so made as aforesaid shall exempt such corporation or association making the same from any and all further taxation upon its premiums, capital or assets; and whenever such capital shall be reduced below said sum of one hundred and fifty thousand dollars, or withdrawn entirely, then, and in either event such corporation or association, shall be liable to pay the tax upon its premiums as hereinbefore provided in this title."

The receipts from this percentage are collected by the exempt firemen's benevolent associations in Manhattan and the Bronx, and by the commissioner in the other boroughs. The proceeds are distributed for the benefit of the relief fund of the department, the State home at Hudson and the various relief and exempt organizations in the different boroughs.

CHAPTER XVI.

The Public Schools.

Public education in New York City is under the direction of a board of forty-six members, appointed by the Mayor for a term of five years each. They must serve without pay, and may not, while in the board hold any position of emolument in the city, county or State government. The president of the board is elected annually from among their number by the vote of the members. Each year in the month of February, the board must appoint an executive committee of fifteen members, which shall have, subject to the by-laws of the Board of Education, the immediate care of the public schools of the city. Twenty-two members of the board must be residents of Manhattan; four, of the Bronx; fourteen, of Brooklyn; four, of Queens; and two, of Richmond.

The funds for the support of the system are divided into a general fund, for the payment of all salaries of members of the supervising and teaching force; and a special fund, covering all the remaining needs of the department of education. In raising the special fund, the amounts variously needed in the different boroughs must be indicated in the budget. The general fund must be raised in bulk for the entire city. The annual cost of the school system of the city, inclusive of both funds, is about twenty-five million dollars, nearly fifteen millions of which are paid in salaries to teachers alone.

The board has power to appoint a secretary. It also ap-

points a superintendent of buildings, who must be an architect; a superintendent of supplies, a city superintendent of schools, a supervisor of lectures, and one or more auditors. All these, except the last named, are chosen for a term of six years. The city superintendent of schools, any associate city superintendent, any district superintendent, the supervisor of lectures, any member of the board of examiners, the secretary of the Board of Education, the superintendent of school buildings, the superintendent of school supplies, the auditor or auditors or any other officers, clerks or subordinates of the board, may be removed for cause by a vote of three-fourths of all the members of the Board of Education, and may be suspended by the Board of Education pending the trial of charges. The board shall fix the salaries or compensation of the city superintendent of schools, of the associate city superintendents and the district superintendents, and of members of the board of examiners.

The by-laws of the Board of Education include rules for the organization of the board; the duties of the executive and other committees; office hours and duties of the different employees of the board and of those engaged in the teaching work of the schools; rules relating to corporal punishment, attendance and the discipline of the schools; rules for the organization of different grades of schools; and such other matters as come within the authority of the department of education. In addition to other powers specified by law, the following general powers are conferred by the charter upon the board: To establish and conduct elementary schools, kindergartens, manual training schools, trade schools, truant schools, evening schools and vacation schools; to maintain free lecture courses; to provide special instruction in English for such as cannot use that language readily, and are pre-

vented by their vocations from attending the elementary or evening schools; to provide high schools and training schools for teachers; to establish and conduct playgrounds in connection with the public schools; to establish new schools and to discontinue or consolidate any of the schools of the system; and to arrange by contract with any street railway company for the transportation of children to and from any school at fares not to exceed one-half the regular fare. The last provision requires the approval of the Board of Estimate and Apportionment.

The superintendent of buildings is the executive officer of the board, with respect to all matters relating to the erection, maintenance and repair of all buildings that are under the jurisdiction of the department. He may appoint a deputy in each borough.

The superintendent of school supplies has charge of all text books and other material purchased by the board for use in the schools. He may appoint deputies and establish depots in any of the boroughs as authorized by the board. He has charge of the purchase, storing and disposition of books, supplies and printing for the department; arranges for the transportation of children, and performs such other duties as are prescribed for him by the executive committee.

THE CITY SUPERINTENDENT.

The superintendent of schools is the most important executive official in the educational system of New York City. He has the right of visitation and inquiry in all the schools of the city, and is required to report concerning them to the Board of Education. He has a seat in the board and may speak there upon all matters that may come before the board, but may not vote.

The city superintendent has supervision over courses of instruction, methods of teaching, management and discipline in the schools, and the condition, both of the school houses and of the schools generally. He may, furthermore, prescribe the form of all registers and other blanks, and formulate regulations for the making of reports and for conducting all business connected with the school system. The annual report from the superintendent of schools to the Board of Education must present a detailed description of the condition of the schools, together with plans and suggestions for their improvement.

The supervisory work of the department is further carried on by eight associate and twenty-six district superintendents, and by the directors of special branches. Associate and district superintendents are under the direction of the city superintendent and are asssigned by him to their several duties. Directors of special branches, such as drawing, music, kindergartens and physical culture, are also under the authority of the latter official.

The eight associate superintendents, together with the city superintendent, form the board of superintendents. Associate and district superintendents are selected by a majority vote of the board for a term of six years. The by-laws of the board prescribe the duties of all superintendents. The district superintendents, to the number of twenty-three, are assigned from year to year to the supervision of the forty-six local school board districts in such a way that each has charge of two districts. Their duties include the careful visitation of schools, and inquiry into all matters that pertain to the jurisdiction of the city superintendent. They may conduct examinations when necessary. The results of such inspections must be reported in full to the city super-

intendent. District officers are also required to report to the local school board all cases of gross misconduct, neglect of duty or inefficiency on the part of teachers or principals. The board of superintendents regulates promotions, recommends text books, establishes grades, adopts or modifies courses of study and issues syllabuses covering such courses.

LOCAL SCHOOL BOARD DISTRICTS.

The City of New York is divided into forty-six districts known as local school board districts. The number of these in each borough is the same as the representation of the borough in the Board of Education. The Board of Education may every five years re-divide the city into local districts for the purpose of maintaining equality of school attendance. The various districts must be compact in form, and as nearly as possible equal in the number of children attending school.

A local school board consists of seven members, five of whom are appointed by the Borough President, one of whom is a member of the Board of Education and is selected by the president of the board, and the last of whom is the district superintendent for that district. When a borough is at any time re-districted, the Board of Education must designate the new districts in which the local school boards for districts affected by the division shall act. Each new district designated must contain at least a part of the district within which the local board formerly acted. All members of local boards must serve without pay and must be residents of their respective districts, except in a case of re-division. Each board elects from among the five members appointed by the President of the borough, a chairman and a secretary. The district superintendent may not vote in the local board, al-

though he may speak before it upon any matter that may be brought up.

The powers and duties of the local district boards may be outlined as follows: They are required to visit, at least once each quarter, all the schools in their respective districts, and to inspect the same. They may inquire into all matters concerning pupils and teachers and the condition of the school premises, and note the observance of the law with reference to the teaching of sectarian doctrines and the use of sectarian books. They must call the attention of the Board of Education without delay to any matter that requires official action. The district boards must also make a written report in January and June of each year covering all these particulars. They must report, furthermore, to the Board of Education, whenever additional accommodations are needed for kindergartens or elementary schools, recommending sites which they consider it necessary to acquire for such purposes. It is their duty to recommend the erection of new buildings, and the acquisition of temporary accommodations for pupils by rental. Any dereliction of the superintendent of supplies, the superintendent of school buildings, or the city superintendent or his subordinates, that may come under their notice must be reported by the district boards to the Board of Education. Each local body has power to excuse absences of teachers within its district, subject to the approval of the board of superintendents, when the teachers are excused with pay. It may also try all matters relating to discipline arising from complaints against teachers or principals, together with any charges that may be preferred against a teacher by a superintendent, principal, parent or pupil, and in this connection has authority to fix the penalty for the offense charged. The decision of a district board in a trial of this

character must be confirmed by the Board of Education, which may modify or reject such decision at will. In all matters relating to the State law, appeal may be taken to the State Commissioner of Education. Further powers and duties of the local school boards relate to dereliction of duty on the part of janitors; the enforcement of sanitary rules; the transfer of teachers, and reports of vacancies in the teaching force.

THE BOARD OF EXAMINERS.

The fitness of applicants for appointment as teachers is determined by a board of examiners, consisting of the city superintendent of schools and four others who are appointed by the Board of Education upon his nomination. Licenses are issued by this body to such persons as pass the required tests of character, scholarship and general fitness. The examiners are appointed for a term of six years each. No associate or district superintendent, principal, or teacher may serve on the board.

The kinds and grades of licenses, together with the academic and professional qualifications for each are determined by the Board of Education, as well as the qualifications of principals and all other members of the teaching staff. The board of examiners must hold examinations of candidates and prepare eligible lists, which must be open to inspection by members of the Board of Education and superintendents.

All licenses are issued in the name of the city superintendent of schools. Graduates of colleges and universities recognized by the Regents of the University of the State of New York, who have pursued not less than one year of a pedagogical course, satisfactory to the city superintendent; graduates of schools and colleges for the training of teachers, approved by the state commissioner of Education;

and teachers holding a State certificate issued by the state commissioner of education since the year eighteen hundred and seventy-five, or holding a college graduate's certificate issued by the same authority, may be exempted, in whole or in part, from examination at the discretion of the city superintendent.

No person may teach in a public school who does not hold a license, and anyone so teaching has no claim for salary. Licenses to teach are issued for one year, and are renewable without examination at the discretion of the city superintendent for two successive years. At the close of the third year of successful work, under such conditions, a license may be made permanent.

Members of the teaching staff are appointed by the Board of Education upon nominations made by the board of superintendents. In making appointments, the three names highest upon the eligible list may be considered. Salaries are fixed by the board, and are rated according to merit, the grade of class taught, length of service and experience in teaching. The manner of regulating the pay of teachers is prescribed by the Davis Law. Salaries must be uniform in all the boroughs.

THE TEACHERS' RETIREMENT FUND.

The retirement fund is held and invested by the Comptroller, and is under the direction of the Board of Education. The sources of the fund are: (1) All money forfeited or deducted from the pay of teachers, either in the department of education or the departments of public charities and of corrections; (2) All gifts and bequests for the benefit of the fund; (3) Five per cent of the excise moneys and license fees of New York City; (4) All moneys that may

be added by investment or otherwise. The board may, by a two-thirds vote, retire any member of the supervising or teaching staff, who shall have been engaged in teaching for thirty years, twenty of which shall have been in the public schools of this city, and who shall have become physically or mentally incapacitated for further service. After a similar period of service, a teacher, or member of the supervising staff may be retired at the age of sixty-five years. Like provision is made for the retirement of the staff of the Normal College, and of teachers employed in the educational work of the department of charities and the department of correction. The annuity paid upon retirement is equal to one-half the salary received at the time.

THE CITY AND NORMAL COLLEGES, AND OTHER SCHOOLS.

The College of the City of New York is under the control of a board of trustees, consisting of nine residents of the city, appointed by the Mayor, the President of the Board of Education, *ex-officio*, and the president of the college, *ex-officio*. A separate retirement fund is provided for the teaching staff of the city college. The maintenance of the college is provided for by the Board of Estimate and Apportionment in the annual budget. Instruction is free of charge.

The president of the Normal College, *ex-officio*, and the members of the Board of Education are trustees of the Normal College, and form a separate corporation for the government of that institution. The college furnishes instruction free to girls who have been in attendance upon the public schools of the city, or who are residents of the city.

The school ship, St. Mary's, is lent to the city by the United States government for the purpose of a nautical school. This

school is under the direction of the Board of Education, which appoints for its management an executive committee of three. It affords training to boys in seamanship and the practice of navigation. The Chamber of Commerce has an advisory relation with the nautical school, and selects from its own membership a special committee, which acts as council for the school.

Public moneys are apportioned to certain private educational institutions of a charitable nature, as specified in the charter. The officers of such schools are required to report in due form to the board.

ATTENDANCE.

Attendance upon the public schools of New York City must be maintained in accordance with the compulsory education law of the State. This requires "every child between eight and sixteen years of age, in proper mental and physical condition, to attend an elementary or public school or its equivalent. Children between the ages of fourteen and sixteen, who are engaged in some useful employment, are not required to attend school, except in cities of the first and second class, where boys of the age mentioned, who have not graduated from the elementary school, must attend night school sixteen weeks in the year. Attendance officers, who are under the supervision of one of the associate superintendents, have charge of the enforcement of this law. They have the power of arrest. It is also the duty of the attendance officer to make inquiry, within his district, concerning the employment of children under fourteen years of age. No child may be admitted into a public school, except it be a kindergarten, who is less than six years old.

CHAPTER XVII.

The Department of Health.

The Board of Health, which is at the head of this department, is composed of three members, the commissioner of health, the police commissioner and the health officer of the port of New York. The health commissioner is president of the board. He is appointed by the Mayor and holds office subject to the same general conditions as other department heads. The health officer of the port is a state official, appointed for a term of four years by the Governor, at a salary of twelve thousand five hundred dollars. The jurisdiction of the department extends over the city and all adjacent waters within the quarantine limits, but must not interfere with the functions of either the commissioners of quarantine or the health officer of the port.

It is the general duty of the Board of Health to enforce all laws applying to the safety of human life or to the care, promotion and protection of health. The powers of the board in this connection are absolute and are of the most general character. The board has exclusive control of the treatment of infectious or contagious diseases, and of hospitals erected by the city for the purpose of such treatment. It may cause to be removed to the city hospitals any person who is sick from a contagious, infectious, or pestilential disease. Power to amend the sanitary code lies with the Board of Health. A violation of this code is a misdemeanor.

The Board of Health has power, whenever any building.

business pursuit, or any other matter, is proved to be in a condition or in effect dangerous to life or health, to order its removal or abatement, after entering the building or other matter in question upon its records as a nuisance. Such an order may involve cleansing, disinfection, alteration, or removal, as circumstances require. Any person who has been served with an order, may apply within three days of service for a hearing. If no such application has been made, and if, at the end of five days from the time of service, the nuisance in question has not been abated or removed, the department may proceed with its immediate abatement or removal, and the expenses incurred become a lien upon any premises involved. In cases of epidemic or any other great and imminent peril to the public health by reason of impending pestilence, the Board of Health has extraordinary power to take all measures that it may deem necessary, and to enter upon excessive expenditures, such as may not otherwise be authorized. The written consent of the Mayor is required to any action of this kind by the department.

There are two bureaus in the department of health, the sanitary bureau and the bureau of records. The former contains a division of inspection and a division of contagious diseases. The chief officer of the sanitary bureau is called the sanitary superintendent, and must be a practicing physician of ten years' experience. The registrar of records is the head of the bureau of records. In this bureau are recorded all births, marriages, deaths and all inquisitions of coroners. Borough offices are maintained in each borough, to be under the charge of assistant superintendents and assistant registrars of record.

The police department is required to co-operate with the department of health, reporting to it all dangers that may

threaten the public health and all violations of its rules and sanitary ordinances. For the enforcement of the sanitary code and the public health law, a special detail of not more than fifty members of the police force is selected by the commissioner of police for special service. This detail, generally known as the sanitary squad, reports to the department of health and is subject to its orders.

THE HEALTH DEPARTMENT PENSION FUND.

Pensions are paid in the department of health to physicians and employees who may be disabled while in the actual performance of duty; to the widows and minor children under eighteen, of physicians and employees of the department who may die of disease or injuries contracted while in the performance of duty; and to physicians and employees who, after twenty years of service, become no longer fit to perform their duties in the department. The usual pension granted to disabled or superannuated employees is half pay, provided that no pension may exceed twelve hundred dollars. The pension to a widow or to orphan children is three hundred dollars a year until re-marriage in the former case and under the age of eighteen in the latter. The fund is made up of the following moneys: All fees paid for searches or transcripts of the department records; all fines and penalties collected for violations of the sanitary code and health laws in the City of New York. The members of the health board are trustees of the pension fund.

THE SANITARY CODE.

Sanitary regulations, established for the public observance by the Board of Health have full force as laws and ordinances of the City of New York. By the provisions of the sanitary

code, laws are established covering the following generaal matters:

(1) Definition of terms used in the code.

(2) General requirements as to compliance with and obedience to the code.

(3) The ventilation, light, heating and drainage of different kinds of buildings.

(4) Sewerage and drainage, with general requirements as to plumbing; streeet drainage.

(5) Food and drink. This is one of the most important parts of the sanitary code. The department has full jurisdiction over different kinds of food offered for sale or served in restaurants and other places of a similar character. It inspects cattle and other animals that may be brought into the city for slaughter, and prescribes the way in which different kinds of food must be kept. A very important duty of the department in this connection is the inspection of milk.

(6) Water. The authority of the board extends by law over the territory immediately surrounding the sources of the city's water supply. The pollution of reservoirs and streams is forbidden, and the use of well water in Manhattan is prohibited.

(7) Drugs, medicines and poisons.

(8) The adulteration of food, with full definition.

(9) The keeping of cattle, horses and other animals.

(10) Slaughterhouses. The location and manner of maintenance is fully prescribed by the code.

(11) Offensive and prohibited trades; stables. Considerable space is given to regulations for the disposal of ashes, garbage and various noisome or offensive materials.

(12) Contagious and infectious diseasees. Infectious dis-

eases are classified, and the duties of physicians and hospitals or other institutions in reporting the same are described. Directions are given for the care of persons who may be infected with diseases of this character, and for the disposition of bodies after death from contagion. Vaccination, disinfection and other precautionary measures are made compulsory. The department possesses the authority to regulate the sale of anti-toxin.

(13) Ships and seamen. The code covers the care and removal of sick seamen on vessels that are not in quarantine. No vessel from an infected port may land in New York, until it has passed through quarantine, and a permit is necessary before a cargo of such materials as are likely to carry infection may be landed from a vessel of this description.

(14) The registration of marriages, births and deaths.

(15) The transportation of the dead; cemeteries and crematories.

(16) The duties of coroners. A list of the facts is given which must be contained in the report which a coroner is required to make to the department after an inquest.

(17) Railroad cars. Spitting in public places; rules for barber shops, and the keeping of noisy animals and birds.

CHAPTER XVIII.

Miscellaneous Charter Provisions.

The last part of the city charter, fom Section 1435 to the end, treats of a number of widely different matters, some of which concern the executive department of the municipal government, some the legislative, and others the administration of justice. The subjects on which laws are thus enacted, may be grouped as follows: Procedure for the acquirement of lands for public uses; the streets; commercial paper during an epidemic; the Board of City Record; coroners; general provisions, and provisions relating to county government in New York City. A brief outline of the way in which property is acquired for public use has already been presented. The relation between city and county government will be reserved for discussion in a subsequent chapter.

THE STREETS.

The consent of a majority of property owners upon any street is necessary before authority may be granted by the Board of Aldermen to a stage or omnibus line to run on that street. The location of such a route requires the consent of the Mayor and three fourths vote of the Board of Aldermen, and must be disposed of in the same way as any other franchise.

The Board of Aldermen has authority to regulate the use of the public streets, and to prescribe rules of the road.

COMMERCIAL PAPER DURING EPIDEMIC.

The charter makes the following provision for the payment of drafts, notes and bills during the prevalence of an epidemic:

"Whenever the Board of Health shall, by public notice, designate any portion or district of the City of New York as being the seat of an infectious or contagious disease, and declare communication with such portion or district dangerous, or shall prohibit such communication, it shall be the duty of the City Clerk during the continuance of such disease in such district, to provide and keep in his office a book for the purpose of registering, in alphabetical order, the names, firms and places of business of any inhabitant of the city who shall desire such registry to be made. * * *

"During the continuance of any such disease in such infected district, all drafts, notes and bills, which by law are required to be presented for acceptance or for payment, may be presented for such purpose at the place so designated in such registry, and all notices of non-acceptance and non-payment, may be served by leaving the same at the place so designated."

In cases where firms have failed to register, commercial paper falling due may be presented to the City Clerk, who must make a record of its presentation.

THE BOARD OF CITY RECORD.

The city publishes daily, except on Sundays and legal holidays, a paper known as the City Record. The Mayor, Cor-

poration Counsel, and Comptroller form the Board of City Record for the management of the publication, as well as for other duties connected with the city's advertising in other publications. The official in immediate charge of the work is known as the Supervisor of the City Record, and is chosen by the board. Nothing may be inserted in the City Record, except such matter as has been expressly authorized. Two thousand copies are furnished free to the city; the remaining copies printed are sold publicly through newsdealers and by subscription.

Advertising required to be done for the city, except such as is required by law to be published in the corporation newspapers, is to be inserted at the public expense in the City Record only, and brief notices published in not more than two morning, two evening and two weekly or semi-weekly newspapers, and one newspaper printed in German, may be inserted, calling attention to the advertisement in the City Record. The corporation newspapers are those designated by law to receive the public advertising of the municipal corporation. The sale of stocks or bonds of New York City, or of real estate belonging to the city, may be advertised in such other publications as the Board of City Record may determine.

The Supervisor of the City Record is required to arrange the list of registered voters, as delivered by the boards of inspectors to the police department, to be arranged by election districts, so that the names of all voters registered from the same house number shall appear together, and those registered from different addresses shall appear consecutively according to street numbers. The list for each assembly district is then printed separately as a supplement to the City Record. It is also the duty of the supervisor to have printed

the annual record of the assessed valuation of real estate, as delivered to him by the Board of Taxes and Assessments. The assessments in each section, district, or ward, must be published separately as a supplement.

The Board of City Record makes all contracts for stationery or printing, except as otherwise provided by the charter. A full list of all employees of the city government, exclusive of laborers, giving names, addresses and amount of compensation received, must be printed annually. After each election the result of the canvass of votes must appear in the City Record. Each number is required by law to contain, in addition to advertisements, reports, proceedings of different boards, accounts of trials and hearings in the police and other departments, and other official matters, a complete directory of the various department heads and city officials of New York City. The Mayor has authority to order the insertion of any official matter in the City Record.

CORONERS.

Four coroners are elected in Manhattan, two each in Brooklyn, Queens and the Bronx, and one in Richmond. They are chosen at the same general election and in the same manner as the sheriffs in the different counties, hold office four years, and are removable in the same manner as sheriffs. The coroners in the borough of Manhattan are required to keep an office open every day in the year, with a clerk in attendance day and night. Further duties of coroners are thus described in the Charter:

"The coroner in each borough shall have an office in said borough and shall appoint a clerk, who shall receive an annual salary to be fixed by the Board of Estimate and Apportion-

ment and the Board of Aldermen, and such and so many assistant clerks as shall be provided for in the annual budget. He shall also appoint a stenographer in each borough whose duty it shall be to take accurate and full stenographic minutes and transcribe the same ,of all proceedings and testimony taken before a jury in any coroner's court, held by any one of said coroners. * * * The salaries or other compensation of said coroners shall be fixed by the Board of Estimate and Apportionment and the Board of Aldermen.

GENERAL PROVISIONS.

No member of the Board of Aldermen, head of department or other official of the City of New York may in any way be interested in any contract made with the city, or in the manufacture or sale of any article, the price of which is paid for out of the city treasury or out of the proceeds of any assessment levied by the city. If any such employe, during the term for which he has been elected or appointed, acquires an interest in a contract or in the sale of an article of this description, he must forfeit his office and may be punished for a misdemeanor. Contracts made subject to such conditions as have been described in the foregoing are, at the option of the Comptroller, to be declared void. Any employe of the city who gives or promises to give a portion of his compensation in consideration of having been nominated, appointed, elected or employed by the city, forever forfeits the right to hold a city office and is punishable for a misdemeanor.

Unless otherwise provided, a majority of any board may constitute a quorum and fully discharge the duties of the whole board.

Heads of departments are forbidden to exceed in expendi-

ures the amounts appropriated for those departments by the Board of Estimate and Apportionment. The board may, upon the request of either of district attorneys in the different counties, make extra allowance for criminal actions of exceptional difficulty.

Heads of departments have full power, subject to the civil service rules, of appointment and removal. No employe of the classified service may be removed without a hearing, and in each case a report, stating reasons for action, must be forwarded by the head of department to the Civil Service Commission. The duties of subordinates may be prescribed by the different department heads, and those of different bureaus changed subject to the consent of the Board of Estimate and Apportionment.

No fees of any kind may be received by any city officer, except the city marshals, all officers being paid by salary and all fees being the property of the city. The Comptroller may require any official to make an oath concerning all fees received by him, and may withhold the salary of such official until such oath is made. Swearing falsely in this connection is perjury. No person who receives a pension from the city may hold any office in the government of the city or of the counties within its limits. It is a misdemeanor for any officer or employe to perform any work outside his public office, work or employment.

The supervision of armories erected by the city for the use of the National Guard is in the hands of the Armory Board. This is composed of the Mayor, President of the Department of Taxes and Assessments, President of the Board of Aldermen, and a brigade officer from each of the

two brigades into which the National Guard is organized in New York City.

THE DEPARTMENT OF LICENSES.

This department, recently created, has supervision over the licensing of employment bureaus. Its inspectors have power to examine the records of all bureaus, and to enforce the laws relating to fees and conditions of employment. There is no connection between this department and the license bureau of the Mayor's office or licensing powers possessed by other departments. The head of the department is appointed by the Mayor, and is known as the commissioner of licenses.

CHAPTER XIX.

State and City Courts.

The administration of justice in the State of New York involves a continuous system of courts, each of which is so closely related to the whole that, in order to consider the functions of one, it is necessary first to study the system as a unit. In view of the fact that the courts of New York City are a part of this system, they may be studied best in connection with the judiciary of the entire State.

Suits or actions in court may be either *civil* or *criminal.* Civil suits are brought to maintain the rights of individuals, and are in most instances concerned with the rights to property. Criminal suits cover either public or private wrongs. A public wrong is a *crime;* a private wrong is known as a *tort.* A libel, which is a written attack upon the reputation of another, is a tort. The method of bringing action in civil cases is prescribed in the *code of civil procedure* that in criminal cases in the *code of criminal procedure.* The punishment of all crimes are defined in the *penal code.* Certain of the lower courts in cities are set aside for the trial of either civil or criminal cases exclusively.

CIVIL JURISDICTION.

The two parties in a civil suit are known as the *plaintiff* and the *defendant.* In beginning action the former prepares and serves upon the latter a *summons,* directing him

to appear in a certain court within twenty days of the receipt of service. In the City Court of New York the time allowed is six days, and in the municipal courts, six to twelve days. With the summons, which is in effect an order of the court specified, is served a copy of the *complaint*, in which are set forth the grievances claimed by the plaintiff. In case no answer is filed and the defendant fails to appear upon the date set, judgment is rendered to the plaintiff "by default." If, however, there is an answer to the complaint, an issue of fact is developed, which must be tried by the hearing of evidence.

The mode of trial is determined by the character of the action. Most civil actions may be tried by jury. Where an action may not be tried by jury, it must be tried by the court, unless a reference is directed. Cases in justice's courts and in the municipal courts of New York City are generally tried by the court, although issues of fact in a justice's court may be determined by a justice's jury of six, drawn from a panel of twelve men, who are citizens and freeholders. The jury in a civil court of record is composed of twelve men. A *juror* must be a citizen of the United States, between the ages of twenty-one and seventy years, and a resident and property owner in the county in which he is drawn. In all counties of the State having a population of one hundred and fifty thousand, or more, trial jurors are drawn by an official known as the commissioner of jurors. The notification of jurors is in the hands of the sheriff of each county.

The decision of a jury is known as the *verdict*. This may be either general, when the jury pronounces, generally, in favor of one party; or special, when the jury decides upon the facts, leaving the court to determine which party is en-

titled to judgment. A *judgment* is a decision of a court in final settlement of an action. An appeal may be taken from the judgment of a trial court. By an appeal, the evidence in a case is taken into a higher court for its decision upon the questions of law and equity involved.

Witnesses may be summoned by an order of the court called a *subpoena.* Failure to comply with a subpoena is punishable as contempt of court. A *subpoena duces tecum* is an order issued by a court to a person having the custody of documentary evidence, commanding him to produce it in court. *Venue* is a term denoting the place of trial. A change of venue is the removal of a case for trial from the courts of one locality to those of another. A *judgment roll* is a record of the issues tried in a case and of their final settlement, and is made up by the clerk of a court as soon as a final judgment is entered. A judgment becomes an immediate lien upon a judgment debtor's real property. An *execution* is a writ issued to the sheriff of a county, authorizing him to seize upon the property of a judgment debtor, under warrant of attachment, in order to satisfy the amount of the claim established by a judgment. *Supplementary proceedings* consist of the examination under oath of a judgment debtor, or of persons indebted to him, in order to ascertain what property is available for the satisfaction of the judgment.

Besides settling questions in dispute between individuals, another important function of the courts lies in determining the meaning and application of laws. This function involves the interpretation of a law as *constitutional* or *unconstitutional.* A law may be brought before the courts with the deliberate purpose of testing its constitutionality. In a county where such a law is being violated, the district at-

torney may bring an action against the violators. This at once establishes an issue between the people of the State, on the one hand, and those who dispute the constitutionality of the law, on the other. A law is constitutional when it is in accordance with the Constitution of the State. The case referred to may then be argued in court, and a decision rendered, from which appeal may be taken to the higher courts. The decision of the Court of Appeals in such a question is final, and settles permanently whether or not a law is constitutional.

An *injunction* is an order issued by a court restraining a defendant from specified acts until an issue may be tried. Such an order is sometimes called a temporary injunction, and may be issued upon a verified affidavit showing either that the plaintiff is entitled to a permanent injunction restraining the continuance of the acts in question; that the defendant is doing or is about to do some act that will impair the rights of the plaintiff; or that the defendant is about to remove his property frauduently. An injunction to restrain a public official from the performance of his statuary duties may be granted by the Supreme Court only.

The courts of New York State are classified either as *courts of record* or *courts not of record.* The latter are minor courts, organized for the trial of actions involving limited amounts. Courts of justices of the peace, coroner's courts, the municipal courts, special sessions and magistrate's courts in New York City, and the police courts in other cities of the State are courts not of record. All higher courts are courts of record.

THE COURTS OF THE STATE.

The Court of Impeachment is for the trial of public officers of the State. It is composed of the Senate and members of the Court of Appeals. The Lieutenant-Governor may not act as a member of this court, where proceedings are being taken either against himself or against the Governor. The Assembly has the sole power of impeachment, which it may exercise by a majority vote of its entire membership. A two-third vote of the Court of Impeachment is necessary to convict. Punishment in impeachment cases may not proceed further than removal from office, and disqualification to hold further office of honor, trust or profit under the State. A person convicted in impeachment proceedings may subsequently be indicted and punished according to law.

The *Court of Appeals* is the highest court in the State. Its decisions are final, except where Federal laws or the Constitution of the United States are concerned. The court is composed of seven justices; a chief justice and six associate justices, elected for a term of fourteen years each by the voters of the entire State. The salary of the chief justice is ten thousand five hundred dollars, and that of the others, ten thousand, with an annual allowance of two thousand dollars for expenses. The jurisdiction of this court is exclusively of an appellate character. Appeals may be taken to it only from the appellate division of the Supreme Court. The Court of Appeals decides questions of law only, except in criminal cases involving capital punishment.

The *Supreme Court* decides cases of law and equity. The State is divided into four judicial departments. The first department and the first judicial district coincide with New York County. The second department and the second judi-

cial district also coincide and include Kings, Queens, Richmond, Nassau ,Suffolk, Rockland, Orange, Westchester, Putnam and Dutchess Counties. The other two departments include the remaining six judicial districts of the State. The Supreme Court is divided into the *trial divisions* and *appellate divisions.*

Each judicial department has an *appellate division,* consisting of seven justices in the first, and five in the other three departments. Appellate justices are appointed from among the seventy-six justices of the Supreme Court by the Governor, who also designates the presiding justice. At least four, but not more than five, judges, sit to hear an appeal, and three must concur to make a decision. The jurisdiction of the appellate division extends only to cases on appeal.

The *trial divisions* of the Supreme Court are divided into "trial terms" and "special terms." At a *trial term,* jury cases are tried. Civil suits may, moreover, be tried before the trial term without a jury if the parties to a suit so agree. The *special term* hears and decides equity cases, motions of counsel and other matters that arise for settlement in process of legal action. Both terms are presided over by a single justice. The trial division of the Supreme Court is the highest court of *original jurisdiction.* A court of original jurisdiction is one in which certain cases may originate, and is so called to distinguish it from a court of *appellate jurisdiction,* which hears cases only on appeal from a lower court.

Vacancies in the Supreme Court and the Court of Appeals are filled by the Governor, who makes appointments for the unexpired term. Supreme Court judges are elected by the voters of their respective districts, for a term of fourteen years. The salary of a judge is seven thousand two

hundred dollars, including twelve hundred dollars for expenses; except in New York County, where he receives seventeen thousand five hundred dollars, and in Kings County, where the salary is thirteen thousand two hundred dollars. The clerks of the several counties are clerks of the Supreme Court. The Clerk of the Appellate Division is, in each case, appointed by the justices of the court in which he is to act.

There is a *county court* in every county of the State, except New York County. Kings County has two county courts, the jurisdiction of which will be considered in connection with the courts of New York City. The county court has jurisdiction in criminal cases where the crime is not one that is punishable by death, and in civil actions, involving sums of less than two thousand dollars. This court is a step below the Supreme Court, and appeals from it are decided in the appellate division of the latter. The county court sometimes hears appeals from courts of justices of the peace. All actions brought before it depend either upon the presence of the subject of the action in the county or the residence therein of all the defendants. Except where there is a separate surrogate, the county judge acts as a surrogate of his county. County judges are elected for a term of six years. Salaries are fixed by the Legislature for the several counties.

Surrogate's courts are courts having jurisdiction over will and inheritance cases. A surrogate also appoints guardians for the property of incompetent persons and minors.

Coroner's courts are constituted for purposes of inquiry into the causes of sudden and suspicious deaths. A coroner may issue a warrant for the arrest of any person who may be incriminated by his investigations. The power to summon a jury for an inquest was abolished in 1899, except in counties

situated wholly, or partly, within a city of the first-class. This includes Greater New York and Erie County. Here a coroner's jury consist of from nine to fifteen persons.

Justice's courts are the lowest courts of the State. They are similar in jurisdiction to the inferior courts of New York City, which will be taken up in the next chapter. There are four justices of the peace elected in each town in the State for a term of four years each. In cases where a jury trial is demanded before a justice of the peace, the usual number of jurors is six. Two courts are held by a justice of the peace; a justice's court, for the trial of civil cases, and a court of special sessions, for the trial of misdemeanors. Civil suits for not more than two hundred dollars may be tried in these courts. All suits involving less than fifty dollars must be heard first in a justice's court or some other court not of record. In cases where persons are accused of crime the justice of the peace usually fixes bail or remands an accused person for trial before a higher court.

The *Court of Claims* is a separate State court for the trial of claims against the State. It consists of three judges of claims, who are appointed by the Governor, with the concurrence of the Senate, for a term of six years each, at a salary of five thousand dollars. Appeals from the court of claims are taken to the Appellate Division of the Supreme Court.

GENERAL PROVISIONS.

There are two important points upon which the judiciary of New York State differs from that of the United States. All Federal judges are appointed, while those of the State are, with one exception, elected. Moreover, the judges of the

United States courts hold office for life, or during good behavior; those of the State for fixed terms of fourteen years or less. No judge in New York may hold office after he is seventy years of age. The principle of making the bench independent of political influence is recognized by giving judges much longer terms of office than other officials. No judge may receive any fees for the performance of his official duties, except justices of the peace, who are paid by fees. No judge in a court of record may practice as an attorney. Judges of the Court of Appeals and the Supreme Court may be removed by a concurrent vote of the Legislature, if two-thirds of both houses agree. Other judicial officers in courts of record may be removed by the Governor with the concurrence of two-thirds of the Senate.

APPEALS.

Any person who claims to be aggrieved by the decision of a court of original jurisdiction may appeal, in a manner provided by statute, to a higher court having appellate jurisdiction. Such person is known as the *appellant,* and the other party to the action as the *respondent.* The courts of appellate jurisdiction are the county court, the Appellate Division of the Supreme Court, and the Court of Appeals. All appeals must be taken within a certain time, which varies with the court and with the nature of the case. A *stay of proceedings* is an order, granted under certain conditions, to prevent the execution of judgment during an appeal.

Appeals may be taken to the Court of Appeals only from the Appellate Division of the Supreme Court, except in cases where the judgment is death. In this class of cases appeal

may be taken directly from the trial court to the Court of Appeals. The Appellate Division of the Supreme Court receives cases on appeal from the county court, the trial division of the Supreme Court and the Surrogate's court.

CHAPTER XX.

The Courts of New York City.

It has already been noted that New York County differs from the other counties of the State in the respect that it has no county court. Two courts take the place of the county court, both of which, however, have somewhat more extensive jurisdiction. The city is included within the first and second judicial departments of the Supreme Court. It has, moreover, a large number of municipal courts and inferior courts for the trial of petty offenses against the penal code.

The county courts in Kings County, of which there are two, have jurisdiction for the trial of cases where the punishment is death.

COURTS OF RECORD IN NEW YORK COUNTY.

The *City Court* is a court of civil jurisdiction only. It is composed of seven judges, one of whom is chosen by them as chief justice. Action may be brought in the City Court covering property or damages to the amount of two thousand dollars. The court is divided into three terms; a general term, a special term, and a trial term. Two judges sit in the general term, which has the same appellate relation to the special and trial terms as the Appellate Division of the Supreme Court has to the trial division. Trial terms of the City Court are devoted to jury cases. The judges of this

court are elected for ten years, at an annual salary of ten thousand dollars each.

The *Court of General Sessions* is a criminal court, having trial jurisdiction in cases that involve the death penalty. The grand jury is drawn in the Court of General Sessions. Five judges sit in this court; the Recorder, the City Judge and three justices of sessions. These are all elected by the voters of the county for terms of fourteen years, at a salary of twelve thousand dollars each.

Queens and Richmond each have both county and surrogate's courts. Kings County elects one surrogate at a salary of ten thousand dollars for a term of six years. New York County elects two surrogates for a term of fourteen years, at a salary of fifteen thousand dollars each.

INFERIOR COURTS IN GREATER NEW YORK.

The *municipal court* is divided into twenty-five districts, of which thirteen are in Manhattan, five in Brooklyn, three in Queens, two in the Bronx, and two in Richmond. The jurisdiction of a municipal court is similar to that of a justice's court, and extends over civil cases where the amount in dispute is not more than five hundred dollars. A justice in one of these courts must be a recognized attorney and counsellor-at-law. The salaries of members of the municipal court is six thousand dollars each in Manhattan, Brooklyn and the Bronx, and five thousand each in Queens and Richmond. They are elected for ten years. The districts into which the city is divided are prescribed in the charter.

There are two groups of inferior criminal courts in New York City—the magistrates' courts and the courts of special sessions.

Magistrates' Courts.—The city is divided into two divisions for the purposes of administration of criminal justice. The first division includes Manhattan and the Bronx; the second, Brooklyn, Queens and Richmond. Fourteen city magistrates are appointed by the Mayor, in the first division, at a salary of seven thousand dollars a year each, for terms of ten years. In the second division, fifteen are elected for terms of six years. Magistrates holding court in Brooklyn receive six thousand; those in Queens and Richmond five thousand dollars. The magistrates of each division organize as a *Board of Magistrates,* and elect a president. There are eight districts in the first division and thirteen in the second. The Board of Magistrates in the first division appoints eight police clerks, one to act in each district, for terms of four years each. In the second division police clerks are appointed by the magistrates individually. The Board of City Magistrates in the first division has the authority to establish a part for children's cases, and to elect probationary officers. The jurisdiction of a magistrate's court is over misdemeanors. A person who is accused of a felony may be committed by a magistrate.

The *Court of Special Sessions* consists of six justices, appointed by the Mayor, in each division. A court of special sessions is held by three justices, two of whom must concur in a decision. The jurisdiction of these courts extends over all cases of misdemeanors, except libel, and except such cases as have already been made the subjects of indictment. If, moreover, a competent judge of a court of record certifies that a case should be prosecuted by indictment, the jurisdiction of the Court of Special Sessions over that case at once ceases. These courts also have jurisdiction in bastardy proceedings. The children's courts, for the trial of offenders

under sixteen years of age, are held by one or more justices of special sessions. Such courts must not be located in any building in which persons over the age of sixteen years are tried for any criminal offense. Judges of the Court of Special Sessions are appointed for ten years each, at a salary of nine thousand dollars, in the first division, and six thousand in the second.

Municipal justices and justices in magistrates' courts and courts of special sessions are removable upon charges by the Appellate Division of the Supreme Court in the district in which they are located.

CHAPTER XXI.

Criminal Procedure.

No person may be punished for a crime except upon legal conviction in a court of the proper jurisdiction. All crimes must be prosecuted upon indictments, with the exception of such as are subject to impeachment proceedings, of crimes in the military service in time of war, and of petty offenses triable before a court of petty sessions. Any proceeding in which a party charged with crime is accused and brought to trial is called a criminal action, and is prosecuted in the name of the people of the State as plaintiff, against the party charged with the crime.

The first step in the punishment of a crime is the arrest and committment of the accused person. *Arrest* is the taking of a person into custody that he may be held to answer for a crime. An arrest may be made in either of three ways; by a peace officer with a warrant, by a peace officer without a warrant, and by a private person. A *warrant* is an order commanding the arrest of an accused person. It must direct that the prisoner be brought before the magistrate issuing it. A warrant is said to be returnable to the court thus named. A peace officer may make an arrest without a warrant when a crime is committed or attempted in his presence; when the person arrested has committed a felony, though not in his presence; or when a felony has been committed and there is reasonable ground for belief that the person arrested has committed it. Every person must aid an

officer in making an arrest with a warrant. Failure to render assistance when demanded is a misdemeanor. A private person may make an arrest for a crime actually committed in his presence, or for a felony, which the person arresetd has committed, though not in his presence. Anyone making an arrest in this manner is required to take his prisoner before the nearest magistrate, or to hand him over to the nearest peace officer.

It is a fundamental maxim of common law that a man is supposed to be innocent until he is proven guilty. Every opportunity is therefore provided for an accused person under arrest to clear himself of the suspicion of guilt. He must be taken at the earliest possible moment after arrest before a magistrate for a hearing. The prisoner may be examined immediately, although he may not be compelled during his examination to answer any questions that would tend to prove his guilt. He may, of his own free will, waive examination for the time being. The magistrate will then commit him to jail to await the action of the grand jury. In cases where a magistrate has jurisdiction, he may forthwith try the prisoner as to his guilt or innocence. When the crime charged is not homicide or a felony whose possible consequences are death, a committing magistrate may admit a prisoner to bail.

Bail is a surety deposited with the court, guaranteeing the appearance of the accused person for trial at a certain time. It may be forfeited to the State, if the defendant does not appear. No bail may be taken in a crime where the possible penalty is death, except by a justice of the Supreme Court. Bail is a matter or right in misdemeanor cases; in all other cases the acceptance of bail is at the discretion of the court.

The inquiry *into charges* against prisoners who are com-

mitted for trial is conducted by the *grand jury,* before whom the district attorney appears with such evidence as he may have to warrant the indictment. The sessions of the grand jury are secret, no person being admitted to them, except the district attorney and his assistants, and such other persons as the grand jury may summon for the purpose of giving sworn evidence upon matters under discussion. Except in New York County, a grand jury consists of twenty-four men, drawn from a panel of three hundred names of taxpayers in the county. A grand jury is drawn for a single term of court. Between sixteen and twenty-three grand jurors must sit in each case, the vote of twelve being necessary for indictment. In New York County thirty-six names, instead of twenty-four, are drawn for the grand jury.

An *indictment* is the formal accusation of guilt, found by the grand jury against a certain party or parties concerned in the commission of crime.

The district attorney presents the charges contained in what is known as a *bill of indictment.* If the required number of the grand jury believe that the evidence is such as will procure conviction in a jury trial, the indictment is returned to the district attorney endorsed "a true bill." The person accused is then brought to trial. If no indictment be found, the prisoner either may be released or may be held for future indictment.

A *presentment* is a written accusation issued by a grand jury without going through the form of indictment. It is usually very general in its terms and directed against some prevalent public evil. A presentment may lead to a subsequent indictment.

The next step after indictment is the *arraignment* of the *accused.* He is brought into court and the indictment is

read to him; thereupon he is asked whether or not he is guilty. His answer constitutes the *plea.* If the plea be "guilty," the court may pronounce sentence at once. A plea of "not guilty" entitles a prisoner to trial by a jury.

The *jury* is drawn, as in civil suits, by lot from a panel of thirty-six names of taxpayers in the county in which the trial court is being held. It consists of twelve men, and is known as a *petit jury,* to distinguish it from a grand jury. Both sides have certain rights of challenge, and the drawing of jurors must be continued until the number is complete.

The *trial* follows the drawing of the jury. The district attorney first addresses the court, describing the crime, and stating the reasons for believing the prisoner to be guilty. Witnesses for the prosecution are then examined by the district attorney and afterwards cross-examined by the attorney for the defense. The attorney for the accused now addresses the court and examines his witnesses, who are subsequently cross-examined by the district attorney. When the evidence is all in, the attorney for the defense and the district attorney each in turn address the jury, pointing out the facts in the evidence that are favorable to their respective sides of the case. During the progress of a trial the judge decides questions of law that may be raised by the taking of evidence. After the final arguments of the prosecution, the judge *charges the jury.* In his charge he may explain all questions of law that bear upon the case, and, in some instances, the interpretation of evidence, but in no case must he seek to interpret facts or to influence the jury in its verdict. The verdict of a jury must be unanimous, and must be simply for the conviction or the acquittal of the accused. Recommendations to mercy have no binding effect upon the sentence of the court. If a prisoner is found guilty, he may be

sentenced at once, or he may be remanded, as is more usual, and brought before the court a few days later for sentence.

Appeals in criminal cases are usually based upon the ground of error committed in the course of a trial. The appellate court reviews the evidence and proceedings in the lower court, and, if no error such as would materially affect the decision of the case be found, dismisses the appeal. When the appellate court finds the error claimed, a new trial is ordered before the lower court. Technical errors, such as do not prejudice the right of a defendant, are not to be regarded in considering appeals.

When a jury disagrees, the law requires the defendant to be tried over until the case is decided. A prisoner may be admitted to bail while awaiting a new trial, or pending an appeal to a higher court. When it can be made clear that local prejudice would prevent a fair trial in any locality, the counsel for the accused may apply to the court for a change of venue.

CHAPTER XXII.

Crime and Its Penalties.

The penal code of the State of New York defines a *crime* as "an act or omission forbidden by law, and punishable upon conviction by death, or imprisonment, or fine, or removal from office, or disqualification to hold any office of trust, honor or profit under the State, or other penal discipline." Crimes are divided into two classes—*felonies* and *misdemeanors.* A *felony* is a crime that is punishable by death or imprisonment in a State prison. Any other crime than a felony is a *misdemeanor.*

When a crime has several degrees, the jury in convicting an accused person must determine the degree of which he is guilty. The code further classifies crimes under the heads of treason; crimes against the elective franchise; crimes against the executive power of the State; crimes against the legislative power; crimes against public justice; crimes against the person; crime against public decency and good morals; crimes against public health and safety; crimes against the public peace; crimes against the revenue and property of the State; crimes against property; cruelty to animals; and miscellaneous crimes. Some of the commoner offenses may be defined briefly as follows:

Abandonment.—The desertion of a child under six years of age by a person who is charged with its care or custody. This is a felony, punishable by imprisonment for a maximum term of seven years.

Abortion is a felony, and consists in the act of procuring miscarriage by the use of drugs or instruments, except when necessary to the preservation of life.

Assault is distinguished by three degrees: A person who, with intent to kill or to commit a felony upon the person or property of the one assaulted, attacks another with a deadly weapon, or administers poison to and endangers the life of another, is guilty of *assault in the first degree.* A similar act, without the intent to kill, or committed under circumstances that do not amount to the first degree, is *assault in the second degree.* Assault in either the first or second degree is a felony. Assault in the third degree is an assault such as is not specified under the other two, and is a misdemeanor.

Arson is the act of willfully setting fire to property with the intent to cause its destruction. *Arson in the first degree* consists in the commission of the crime by night when the property set fire to contains a human being. The same offense in the day time, or the setting fire in the night to any property that does not contain a human being, is *arson in the second degree.* The act of burning or setting on fire a house or other property with intent to procure the payment of insurance is *arson in the third degree.* Arson is always a felony, and is punishable in the first degree by a maximum term of forty years in prison.

Bigamy.—A person who, having a husband or a wife living marries another, is guilty of bigamy. Exception is made in the case of persons who have been separated in accordance with the law, to whom remarriage may be permitted. The crime is a felony.

Blackmail is the attempt by threat or injury, libel, accusation, or exposure of disgrace, to secure money or other property, or to induce an illegal act, and is a felony.

Bribery is a crime against the election franchise or against public justice. In a case involving the bribery of voters, it is punishable by not less than one year in a State prison, and the loss of the right to vote for five years. Bribery also involves the attempt to influence a public or a judicial officer in the performance of his duty by money, promise or some other inducement. As such, it is punishable by an extreme penalty of ten years.

Burglary is a felony in three degrees. It may be described as the act of breaking and entering a dwelling house of another with intent to commit a crime. The first degree requires that the act be committed in the night time; that a human being be in the house at the time of entrance; that the burglar be possessed of a deadly weapon, or that he have the assistance of a confederate.

Concealed Weapons.—The carrying of concealed weapons without a legal permit is a misdemeanor.

Counterfeiting is the act of making counterfeit money in any form, or stamps, or other tokens of value of the United States or any other country. The possession of counterfeit money, with intent to make use of the same, is also a felony.

Cheats.—A term applied to certain false personations and pretenses.

Compounding Crimes.—A person who, by agreement and for personal gain purposely conceals a crime, or withholds or discontinues prosecution, except where compromise is allowed by law, is compounding a crime. This is a felony, when the crime compounded is a felony, and a misdemeanor when the agreement relates to a lesser crime.

Conspiracy is an agreement between two or more persons either to commit a crime; falsely to indict another for a crime; to institute and maintain a false action at law; to cheat

and defraud another out of property, or to obtain property under false pretense; to prevent another from engaging in his trade or business, or to perform any act injurious to the public health or detrimental to public interests. Conspiracy, except against the peace of the State, is a misdemeanor.

Embezzlement is the appropriation to one's own use of property held in a position of trust; it is a form of larceny.

Extortion is the obtaining of property from another with his consent, induced by a wrongful use of force or fear, or under the pretext of official right. It is a felony.

False personation includes various acts by which one person assumes the character of another with the purpose of committing an illegal act. Certain frauds of this class are punishable as felonies. The impersonation of an officer is a misdemeanor.

False Pretense.—A form of cheat. (See *larceny.*)

Fraud.—A cheat by impersonation, or false pretense or declaration.

Forgery is a felony in three degrees. It is the act of making, counterfeiting or altering any instrument in writing with intent to defraud. Counterfeiting is a kind of forgery.

Gambling, or gaming, is the act of playing at games of chance for a stake. The possession, (under certain conditions), of cards, dice, or other implements used in gambling, is declared a public nuisance by the penal code, and is a misdemeanor. The keeper of a gambling house and a dealer in policy slips are common gamblers, and may be punished by two years imprisonment and a fine of one thousand dollars.

Homicide.—This crime is defined in the code as the killing of one human being by the act, procurement, or omission of another. There are four kinds of homicide—***murder, manslaughter, excusable homicide*** and ***justifiable homicide.*** The

taking of human life, either with premeditation; by an act dangerous to others and regardless of human life, although without special design to effect death; during the commission of a felony affecting the person killed, or when perpetrated in an attempt to commit arson, is *murder in the first degree.* When the killing of a human being is committed with the design to effect death, but without deliberation or premeditation, it is *murder in the second degree.* The punishment for murder in the first degree is death; for the second degree, imprisonment for life. *Manslaughter* is any form of homicide, not excusable or justifiable, other than the forms defined as murder. *Manslaughter in the first degree* is homicide committed without design to effect death, either by a person engaged in committing a misdemeanor, or in the heat of passion, but with a dangerous weapon. *Manslaughter in the second degree* is homicide committed either while the guilty person is engaged in an act of trespass, or in some invasion of the rights of others not amounting to a crime; or in the heat of passion; or through culpable negligence. Homicide is excusable when committed through accident, as in the lawful correction of a child, and when performing any lawful act with ordinary caution, and without unlawful intent. Justifiable homicide is the taking of human life in one of the following ways: By a public officer, in overcoming resistance to the discharge of his legal duty, or in the attempt to arrest a person who has committed a felony; by a public officer, in suppressing a riot or preserving the peace; by any one, in self defense, or in the defense of any other person, when there is reasonable ground to apprehend a design on the part of the person slain to commit a felony, or do some personal injury to the slayer, or to any such person, and when there *is imminent* danger of such design being accom-

plished; or by anyone, in resisting an attempt to commit a felony upon the dwelling of the slayer.

Incest.—Intercourse within the prohibited degree.

Kidnapping.—The act of seizing, enticing or carrying away another person in order to detain that person against his will; or the carrying away of an infant under sixteen years of age, with the design to conceal such infant from his parents or lawful guardians. This crime is a felony.

Keeping a disorderly house is a misdemeanor.

Larceny is the act of stealing. There are two kinds of larceny—grand larceny and petit larceny—the former being divided into two degrees. The theft of any property of whatever value by night, if taken from the person of another, or of property taken under other circumstances and amounting to more than twenty-five dollars, is *grand larceny. Petit larceny* is the theft of property of a value less than twenty-five dollars, when such theft is committed in the day time. Grand larceny is a felony; petit larceny a misdemeanor. Embezzlement, conversion and obtaining money under false pretense, are forms of larceny . Receiving stolen goods is another form of the same crime.

Libel.—Any malicious publication, otherwise than by speech, that brings another person under contempt, ridicule, hatred or obloquy, or that has a tendency to work an injury to anyone, is a libel, and is punishable as a misdemeanor.

Lottery.—(See *gambling.*)

Maiming.—The injury or disfigurement, with intent to commit a felony, of the person of another, or of one's own person, in an attempt to avoid the performance of a legal duty. It is a felony.

Malicious mischief is the willful destruction of property *belonging to another.* A mischief directed against a railroad,

steamboat or other vessel, highway, pier, telegraph line, or involving damage to a building by explosion, is a felony. Minor malicious offenses are misdemeanors.

Malfeasance is the misappropriation and misuse of public property, or the falsification of accounts and records by a public officer, and is a felony.

Manslaughter.—(See *homicide.*)

Oppression.—(See *extortion* and *blackmail.*)

Perjury is the act of swearing falsely in any case where an oath is required by law. Any person who induces another to commit perjury is guilty of subornation of perjury.

Pool Selling.—A person who sells pools, or makes a book recording bets and wagers, is a common gambler. (See *gambling.*)

Public Nuisance.—Any act or omission that either annoys, injures or endangers the health, comfort or safety of any considerable number of persons; offends public decency, or that in any way renders any considerable number of persons insecure in life or propety is a public nuisance and a misdemeanor.

Rescues and *aiding criminals to escape.*—Any person who rescues a prisoner from lawful custody, or aids such person to escape, is guilty of a felony, if the escaping prisoner was guilty of a felony; or of a misdemeanor, if the prisoner was guilty of a misdemeanor.

Rioting.—A person who wilfully disturbs a lawful assembly is guilty of a misdemeanor. A riot may be defined as the act of three or more persons, who, having assembled for any purpose, disturb the public peace by the use of force or violence toward other persons or toward property, or who threaten to use such force or violence with the immediate power to carry out their threat. Any act of rioting that is

directed against the enforcement of the powers of government is a felony. Other forms of this crime are misdemeanors.

Robbery is the unlawful taking of personal property from the person or in the presence of another, against his will, by force, violence, or threat of injury. There are three degrees of this felony, the first involving either the use of a dangerous weapon, the aid of an accomplice, or bodily injury to another.

Treason is the act of levying war against the State or the Government of the United States. Two or more persons who combine to overturn the government of the State or to usurp such government by force, are guilty of treason. Adherence to the enemies of the United States and giving aid and comfort to them during a time of war is treason. The penalty is death.

Vagrancy consists in being without visible means of support by occupation or otherwise.

Violation of the election laws must be regarded as a most serious offense in a community where the suffrage is general, and where the character of the government depends largely upon the right exercise of the election franchise. Misconduct in connection with a party caucus or primary is a misdemeanor. False registration is a felony, punishable by imprisonment for not less than one, or more than five years. Illegal voting and the act of inducing another to vote illegally are punishable by a like penalty. Any person who gives a consideration for the vote of another, or who accepts such consideration in return for his vote, is punishable for a felony and loses his right to vote for a period of five years. It is a misdemeanor for any officer in the employ of the city *r State to demand* or receive any political assessment from

any other officer or employe of the public service; or to pay over such assessment to another officer or employe for the promotion of his election or appointment.

The violation of any health law of the State, or of any body charged with the care of the public health, is punishable by imprisonment for not more than one year, or a fine of one thousand dollars, or both. Offenses against the code of ordinances are misdemeanors.

Many other acts besides those defined above are crimes. It is not necessary, however, to discuss them in this connection. The *attempt* to commit a crime is usually punished in the same general mannner as the crime itself, although more lightly. A person who is concerned in the commission of a crime, but who does not actually perform the act, is called an *accessory.* Anyone who advises, commands or procures another to commit felony is an *accessory before the fact,* and is punishable in the same manners as the principal. An *accessory after the fact* is anyone who assists an offender to escape or avoid punishment.

Upon conviction for a first offense, where the maximum penalty is five years or less, an offender must be sentenced under an indeterminate sentence for more than one year. In case of conviction for the second time, after having been formerly convicted for a felony, the guilty person must be sentenced for life, if the extreme penalty upon first conviction would be life imprisonment, or for a term of years not less than the maximum penalty for first conviction, or more than twice as great as such maximum. Such persons, as well as all persons who have been convicted either of a felony and a misdemeanor, or of misdemeanors not less than five times, are to be adjudged habitual criminals.

CHAPTER XXIII.

Government Within the County.

Many of the functions of government in New York State, such as the repair of highways, the care of paupers, and the support of public schools, are chiefly local in their application. For the performance of these functions, the State is divided and sub-divided into counties and towns. There are sixty-one counties in New York, each of which contains a number of towns or townships, as they are sometimes called. Cities and villages, which are special forms of local government, constituted by charter for the advantage of people living within a circumscribed territory, are always included within county limits; or, as is the case in New York City, within the limits of several counties. Even in the latter instance, it will be seen that each of the four counties in question has a distinct government of its own, although its powers are somewhat modified.

In the older forms of the town and the county, we find the origin of most of our political institutions. The town and county were not, in the beginning, planned as arbitrary subdivisions of the government. They were, rather, among the earliest forms of government, and were organized independently of one another and of any superior power. In the Western States, where towns were created practically as Statehood was established, instead of developing through long years of gradual settlement, towns are generally uniform, six *miles long* and six miles wide, thirty-six square miles in all.

In New York and many other eastern States, on the other hand, both towns and counties are irregular in size and form.

TOWN GOVERNMENT.

The government of the town is a pure democracy. Its *legislative* branch is the *town meeting*, composed of all the voters of the town and presided over by a justice of the peace. The town meeting is held regularly once in every two years, either upon a date between the first of February and the first of May, or on the same date as the general election, as the Board of Supervisors may decide. Special town meetings may be called at the request of twenty-five tax-payers. The town clerk acts as clerk of the meeting.

The town meeting has power to raise money for the support of paupers and for the construction and maintenance of roads and bridges; to provide for the prosecution or defense of law suits in which the town is interested; to pass by-laws for the abatement of nuisances, the establishment of public pounds and the management of the town's public buildings; and to determine other matters of local interest and application .

The following officers are elected at the town meeting and constitute the *executive* branch of town government:

A *Supervisor*, who acts both as chief executive of the town and as the town's representative in the county board of supervisors. He has charge of the payment of all money, except that raised for highways and for the care of the poor. Together with the town clerk and the assessors, he prepares the list of persons eligible for jury duty. His pay is at the rate of two dollars a day when the town's business is concerned, and four dollars when serving for the county.

A *Town Clerk,* who keeps all the town's records and who receives a compensation of two dollars a day when actually engaged in the duties of his office.

Three *Assessors,* who fix and appraise the value of property for purposes of taxation.

A *Collector of Taxes,* who receives the taxes and turns them over to the supervisor. The assessors are paid two dollars a day for their services; the collector, in fees.

A *Commissioner of Highways,* in charge of roads and bridges in the town. Sometimes as many as three commissioners of highways are elected.

Overseers of the Poor, either one or two of whom are chosen to take charge of the town's paupers. Both highway commissioners and overseers of the poor have the disbursement of money for their respective departments. Each receives the pay of two dollars a day for actual service.

As many as five *Constables,* who act as peace officers, may be elected; also four *Inspectors of Elections.* The *Town Board* is composed of the supervisor, town clerk and four justices of the peace. It meets twice a year to audit the public accounts. These duties are sometimes performed by three *Auditors,* elected at the town meeting.

The *judiciary* of a town consists of four *Justices of the Peace,* elected by the town meeting for terms of four years each. The powers and duties of a justice of the peace may be found in the chapter describing the courts of New York State. Justices are paid by fees, except when in the service of the town board. Then they receive the same compensation as other members.

THE COUNTY.

Although in New York and New England the town developed before the county, the latter came to be regarded as the more important political division. In these colonies, the county is formed by the union of several towns. County government originated in England at a very early date, and was introduced among the American colonies with only a slight modification of the English system. In Virginia, the county developed independently of any township system.

The *Board of Supervisors* is the legislature of the county. It is a representative body made up of one supervisor from each town and city ward in the county. Each supervisor is elected for two years. The board meets annually and elects one of its number chairman. The powers of the board of supervisors include the management of county buildings.; the raising of money for the support of county government by taxation; the direction of all expenditures of such funds; the borrowing of money; the division of the county; the supervision of county roads, bridges, and other public works of the county, and the power to authorize a town to borrow money up to ten per cent of its assessed valuation. Each county is assessed for a portion of the state tax, and this amount must be included in the amount to be raised in the county by taxation of the persons who are liable to service in the grand jury. On other occasions it acts as a *Board of Equalization of Taxes,* and after elections as the *County Board of Canvassers.*

The *Sheriff* may be regarded as the first executive officer of a county. He is the peace officer of the county charged with arrest of criminals and the preservation of public order. He has charge of the county jail, and collects judgments in ac-

cordance with writs of attachment and execution against the property of a debtor. Witnesses and jurors are summoned by the sheriff. The *posse* is an armed body of citizens, summoned by the sheriff for the purpose of suppressing a riot. The sheriff appoints an under-sheriff and a number of deputy sheriffs. He is elected for three years, and may not serve two successive terms. In some counties the sheriff receives a salary; in others, he is paid by fees.

The *District-Attorney* prosecutes criminals, and acts as legal adviser to other county officials and to the grand jury. His salary is fixed by the Board of Supervisors. The term of the district-attorney, like that of all other executive officers in the county is three years.

The *County Clerk* has charge of the public records of the county. These include deeds, mortgages and judgments together with other papers of a similar nature, which are filed in his office. He is paid by fees in some counties and by salary in others. The county clerk is also clerk of the county court, and of the term of the Supreme Court when it sits in the county. He draws the jury lists in such counties as do not have a commissioner of jurors.

The *County Treasurer* receives and pays out all funds of the county. The State assessments are paid by him to the Comptroller of the State, and he in turn receives from the comptroller such funds as are apportioned by the State to school districts within the county. He is paid sometimes by salary and sometimes by fees.

From one to three *Superintendents of the Poor* are chosen for each county. These are in many cases elected by the votes of the county; in others they are appointed by the Board of Supervisors.

It will be noticed in comparing the town with the county

that the authority of the latter embraces and is superior to that of the lesser division. Both are to be regarded as municipal corporations, whose powers, like those of the city, are derived from the State. Officers of the town are elected for terms of two years each, except in the case of justices of the peace; those of the county, except judges, are chosen for three years.

The *Judiciary* of the county consists of the county judge, surrogate and four coroners. The last named are elected for terms of three years each; county judges and surrogates for six years each.

COUNTY GOVERNMENT IN NEW YORK CITY.

There is no board of supervisors in any of the four counties that are included within the boundaries of the City of New York. The powers of the supervisors are exercised by the Board of Aldermen. Appeals from assessments of taxes, however, which elsewhere go before the board of supervisors, are in New York City decided by the Board of Taxes and Assessments.

The executive officers of the county in greater New York are the sheriff, district attorney, county clerk, register, commissioner of jurors and public administrator. In Kings county there is a commissioner of records. Queens has no register and Richmond neither a register nor a public administrator. County officials in New York and Kings county must be chosen at the same general election as that at which the members of the city government are selected; consequently the term of office of a county official in those counties is of different duration from the term of a similar official elsewhere.

The duties, terms and salaries of county officers in the City of New York may be stated briefly as follows:

The *Sheriff* of New York County is elected for two years and receives a salary of twelve thousand dollars and half the fees of the office. The Sheriff of Kings is elected for the same term, and receives a salary of fifteen thousand dollars, but no fees. In Queens and Richmond the sheriffs are elected for three years, and receive, in the former, fees; in the latter, a salary of six thousand dollars.

The *District Attorneys* of New York and Kings counties are elected for four years, and receive, in the former ten, and in the latter twelve thousand dollars a year. In Queens and Richmond the term of the district attorney is three years.

The *County Clerk* in New York County is elected for six years. The salaries of the different county clerks in New York City are as follows: New York, fifteen thousand dollars; Kings, eight thousand; Queens, paid by fees; Richmond, four thousand.

The *Register* keeps records of transfers and titles to real estate, mortgages and transactions of a like nature. In New York he receives a salary of twelve thousand and in Kings of eight thousand dollars. The offices of commissioner of jurors, commissioner of records and public administrator are appointive. The duties are such as are suggested by their titles.

The salaries of county officials in Greater New York, unless otherwise provided by law, are fixed by the Board of Aldermen. The office of county treasurer was abolished at the time that the charter went into effect. All towns and incorporated villages in the boroughs of Queens and Richmond were abolished, and the two boroughs were laid out in wards.

CHAPTER XXIV.

THE STATE—HOW LAWS ARE MADE.

Before the Revolution, each of the American colonies had some well established form of government. They have been divided, according to the way in which they were governed, into royal provinces, proprietary colonies, and charter colonies. The last named were so called to distinguish them from colonies that were ruled by the King by officers of his appointment, and colonies, such as Maryland and Pennsylvania, that were governed by a proprietor. There were, however, many forms or privileges that were more or less common to the governments in all the colonies. In each, there was some sort of legislative assembly. Courts of justice administered with fairness the colonial laws and the principles of English jurisprudence. A complete system of executive officers from governor to constable, were engaged in carrying on the business of government. A few public officials were appointed, either by the King, in the royal colonies, or by the land proprietor, in certain of the others. By far the greater number, however, were elected by the voters. Nearly all the functions of local government, including that of levying taxes, were exercised by the various legislative assemblies.

The colonial government was the foundation upon which the State government was built. The disturbance engendered by the War for Independence, and the uncertainty that followed immediately upon its close, marked a period of tran-

sition. National government was scarcely more than an empty form. The States became sovereign in nearly every particular. The lack of cohesion among the States and the need of a strong central power were soon felt, and the Federal Constitution was adopted. In the meantime, either during the war or soon afterward, permanent state governments were established.

When, in 1879, the Federal government was formed by the closer union of the States under the Constitution, the States yielded up to the nation the sovereign power in all matters that pertained to the common interest. Such powers were retained by the State governments as related solely to their internal affairs and did not affect the people of any other state, or the functions of the Federal government. Whenever an issue should arise between the Constitution of the United States and that of a state, the former was to prevail. State authority remained supreme in the punishment of crime; the making of laws defining civil rights and the relations of its citizens with one another; the maintenance of schools; the administration of justice within its borders; and in all other matters connected with the welfare of its citizens. The Constitution required that the United States guarantee to every state a republican form of government.

THE STATE OF NEW YORK.

With the adoption of its Constitution in 1777, New York became a State. Since then, the Constitution has been revised three times; once in 1822, a second time in 1846, and the last time in 1894. The present Constitution of New York State is the one that was adopted in 1894. Its contents are briefly enumerated in the concluding paragraph of chapter

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one of this volume. *The Constitution may be amended* in the following manner: An amendment may be proposed in either house of the Legislature. It must be passed by a majority of both houses. It is then referred to the Legislature to be chosen at the next general election of senators, by which it must again be passed. The proposed amendment is then submitted to the voters of the State, who may adopt or reject it by a majority vote. The revision of the Constitution by convention is also provided for. In 1916 and every twentieth year thereafter, and at any other time when the Legislature may authorize such action, the following question is to be submitted to the voters: "Shall there be a convention to revise the Constitution, and amend the same?" If the voters decide in favor of the proposed convention, three delegates from each senate district and fifteen delegates-at-large from the entire State are elected at the next general election. Any amendments that are passed by the convention must be adopted or rejected by the voters of the State. If adopted by the people they become part of the Constitution.

THE LEGISLATURE.

The laws of New York State are made by a legislature consisting of two bodies, the *Senate* and the *Assembly*. The former contains fifty members and the latter one hundred and fifty. Senators are voted for by senate districts, and assemblymen by assembly districts. Every ten years a census is taken, and the state may then be re-divided into senate and assembly districts in accordance with the changes in population.

The *Lieutenant Governor* presides over the Senate. He may vote on legislation only when his vote is necessary to de-

cide a tie. A presiding officer called the *Speaker* is chosen by the Assembly from its own members. A majority of either house constitutes a quorum. The pay of all members of the Legislature is fifteen hundred dollars apiece and ten cents a mile for travelling expenses. Senators are elected for two years; assemblymen for one year. A speaker *pro tempore* is one chosen to fulfill the duties of the presiding officer in his absence.

Sessions of the Legislature are held annually beginning on the first Wednesday in January. Any person may be elected to the Legislature, who is a citizen of the United States, twenty-one years of age, and has not been convicted of a felony, of bribery, or of the violation of his oath as a public officer. No person who holds any other office, either in the State or in the United States, is eligible. Each house is judge of the election qualifications of its members, and may decide as to the right of a member to his seat in case of a contest.

The *powers of the Legislature* are subordinate only to the Constitution of the United States and that of New York State. The Legislature may enact any law applying to the whole State that is in accordance with the Constitution. Among other things that may be affected by its laws are, the definition and punishment of crimes; the control of corporations; the appropriation of money; the management of schools; the construction of public works; the levying of taxes; the establishment of courts and of judicial procedure; and the formation of new counties. It is required for all financial legislation involving the expenditure of public money, that a quorum of three-fifths be present. A vote of two-thirds of the membership of either house is necessary to

pass a measure over the Governor's veto, and for certain appropriation bills.

The power to legislate in purely local matters is conferred by the Legislature upon the board of supervisors in the various counties.

Certain *restrictions* are placed by the Constitution upon the making of laws. No *private* or *local* law may be passed in any of the following cases: (1) Changing the names of persons. (2) Opening roads and draining swamps. (3) Fixing a county seat. (4) Providing change of venue. (5) Incorporating villages. (6) Providing for the election of supervisors. (7) Choosing jurors. (8) Fixing rates of interest. (9) Holding elections. (10) Changing the fees of public officers during their incumbency. (11) Granting the right to lay railroad tracks. (12) Granting any exclusive franchise whatever. (13) Granting exemption from taxes. (14) Authorizing the building of bridges, except over the Hudson river below Waterford, on the East River, and over the waters that form the boundaries of the State. General laws may be enacted on all these subjects.

The Legislature has the power to elect *United States Senators,* and *Regents of the State University.* All but two of the various public officials appointed by the Governor must be confirmed by the Senate. United States Senators are chosen by the vote of the two houses, meeting in joint session.

Impeachment proceedings may be initiated in the Assembly. The purpose of the impeachment is the trial and upon proof of guilt, the removal of high public officials who have been guilty of misconduct in office. A formal charge is drawn up in the Assembly for presentation in the Senate, which, together with the justices of the Court of Appeals,

hears the evidence, and decides upon the guilt of the accused person. A majority, both of the Senate and the Court of Appeals, must be present. A two-thirds vote of those present is necessary for conviction.

In order to facilitate the accomplishment of its work, each house is divided into *committees*. These are appointed, in the Senate, by the Lieutenant Governor, subject to the confirming action of that body; in the Assembly, by the Speaker. It is the duty of a committee to conduct hearings and otherwise to investigate the merits of any proposed legislation that may be referred to it, and to report upon such legislation to the house of which it is a part. Among the principal committees are those on finance, ways and means (in the Assembly), the judiciary, cities, railroads, and general laws.

HOW LAWS ARE MADE.

In the Assembly a member who wishes to introduce a bill gives it to the clerk who in turn hands it to the Speaker. The latter officer announces the introduction of the measure and reads its title. This constitutes a *first reading*. The bill is then referred on motion to the committee having charge of the particular kind of legislation to which it belongs. While the measure is in the hands of a committee, an opportunity is given for persons interested in either promoting or hinderings its passage, to present arguments for or against it. The committee may report favorably or unfavorably; or it may not report at all, unless ordered to do so by the house. In the latter case, a measure may be effectively killed without the necessity of coming to a vote upon it. In view of the enormous amount of legislative business that comes up in every session, the committee is one of the most important

factors in the making of laws. Only by means of the committee system in both State and Federal legislatures is it possible to give full consideration to proposed legislation. Public debate is generally restricted to important measures. The action of the committee on most bills is decisive.

A bill that is reported by a committee is taken up for discussion. This is its *second reading*. It is considered by sections, and amended when necessary; then voted upon by the house and either passed or rejected. If passed on its second reading a measure is printed in the form in which it is designed to become a law. After such passage, the bill usually lies for three days before it may be brought up for its final reading. If the Governor, in any special case, certifies that a measure should at once become a law, it may be taken up without the customary interval. During the three days, each member has an opportunity to examine the provisions of a new law before finally voting upon it. The bill is then taken up for its *third reading* and either passed or defeated.

In certain cases either house may resolve itself into a *committee of the whole*. This is done to secure greater freedom of debate than can be permitted in an ordinary session. The presiding officer gives up the chair to some member whom he indicates, and the rules of the house are for the time set aside. No business can be transacted in the committee of the whole.

After a measure has passed the house in which it originated, it is sent to the other branch of the Legislature, where it is considered in the same way as in the branch in which it was introduced. A bill must pass both branches before it may become a law. It may be amended, in which event it must be returned, to be re-passed by the house where it was first brought up.

The Governor's signature is necessary before a bill may become a law. If the Governor disapproves a measure, he may return it to the Legislature with a statement of his reasons for disapproval. The power of the Governor thus to forbid legislation is called the *veto power*.. The house in which a measure originated may, after it has been vetoed by the Governor, reconsider it. If passed by a two-thirds vote of both branches of the Legislature, such a measure becomes a law in spite of the veto. If the Governor fails either to sign a bill or to return it to the Legislature within ten days, it becomes a law without his signature, unless in the meantime the Legislature has adjourned. After adjournment the Governor has thirty days in which to sign a measure. In this case, if he decides to withhold his signature, the bill in question fails to become a law.

New York City is represented in the Senate by two-fifths of its entire membership, and in the Assembly by forty-nine members out of one hundred and fifty. Of these New York County elects twelve senators and thirty-five assemblymen; Kings elects seven senators and twenty-one assemblymen; and Richmond elects one assemblyman. Richmond and Suffolk counties make up the first senate district, and Queens and Nassau counties the second.

CHAPTER XXV.

New York State—The Executive.

The Governor is the highest officer in the State. Within the limits prescribed by the Constitution he is personally responsible for the administration of the government and the enforcement of the laws. He is elected on the even-numbered years for a term of two years, and receives a salary of ten thousand dollars. In order to be eligible for the office, he must be thirty years of age, a citizen of the United States, and a resident of the State for the five years next preceding his election.

The principal *powers* of the Governor are: (1) *The veto power.*—By the use of the veto, the Governor may act as a check upon hasty legislation. (2) *The pardoning power.*—The Governor may pardon or reprieve a criminal who is under sentence. This is a judicial power that is exercised by the executive. A reprieve is the postponement of the execution of a sentence. A sentence is said to be commuted when the Governor, by executive action, makes it lighter than that originally imposed by the courts. The pardoning power does not apply to persons convicted of treason, or to public officers found guilty in impeachment proceedings. In the former case, the Governor may defer the execution of sentence until the next meeting of the Legislature. (3) *The military power.*—The Governor is commander-in-chief of the military forces of the State. Whenever in his judgment it may be necessary,

he may order out the militia to suppress a riot or to enforce the laws. (4) *Appointments and removals.*—Most of the officials who are at the head of the various administrative departments of the State government are appointed by the Governor, with the confirmation of the Senate. During a recess of the Senate, he may make temporary appointments to fill vacancies. He may also suspend certain officers, one of whom is the State treasurer; and remove others, including many county and city officials, after hearing charges against them. (5) He may *call extra session* of the Legislature or the Senate alone, when the necessity arises. (6) The Governor has a large number of executive powers of a special nature. These are, in the main, connected with various laws that are passed from time to time by the Legislature. Explicit power to direct subordinate administrative officials is not conferred upon the Governor.

At the beginning of each annual session of the Legislature, the Governor presents a *message,* in which he describes the state of public affairs and recommends such new legislation as seems desirable.

The *Lieutenant-Governor* is elected at the same time as the Governor and for a like term. He receives a salary of five thousand dollars a year. The Lieutenant-Governor is the presiding officer of the Senate, in which body he has the privilege of voting only in case of a tie. He is also a member *ex officio* of the Canal Board, a commissioner of the canal fund, a trustee of Union College, Cornell University and of various public buildings, and a Regent of the State University.

If at any time the office of Governor becomes vacant through the resignation, death, or removal from office of the Governor, the Lieutenant-Governor becomes Governor, and has all the powers and duties of that official until the end of

the current term. He is in turn succeeded by the President of the Senate and the Speaker of the Assembly.

ADMINISTRATIVE OFFICERS ELECTED.

Five of the chief administrative officers of New York State are elected by the people at the same time as the Governor and Lieutenant Governor, for a term of two years each. These are the Secretary of State, Comptroller, Treasurer, Attorney-General and State Engineer and Surveyor. The annual salary of each is five thousand dollars, with the exception of the Comptroller, who receives six thousand.

The *Secretary of State* is the custodian of the State records. He has charge of the taking of the State census; a duty that is entirely distinct from the census taken every ten years by the United States government. Reports of corporations are made to the Secretary of State, and certificates of incorporation, land grants and commissions are issued from his office. His duties are those of a chief clerk to the State government. He makes an annual report to the Legislature.

The *Comptroller* is charged with the management of finances. He superintends the collection of taxes; audits the public accounts; raises money by loans; and pays the accounts of the different departments by warrants upon the Treasurer. He reports annually to the Legislature.

The *Treasurer* receives from the Comptroller all money collected for State purposes, and pays it out upon warrants signed by that officer. He may be suspended for cause by the Governor during a recess of the Legislature, and a temporary successor may be appointed.

The *Attorney-General* acts as the legal adviser of the State government and as public prosecutor. He conducts all im-

portant actions to which the State is a party, both civil and criminal. The Attorney-General acts in criminal cases only upon the request of the Governor, that duty being left in most instances to the district attorneys of the several counties.

The *State Engineer and Surveyor* is always a civil engineer. He makes state maps, builds roads and is at the head of the engineering department of the State canals.

Together with the Governor and Lieutenant-Governor, the various administrative officials elected by popular vote are members *ex officio* of different public boards and commissions and trustees of certain institutions.

ADMINISTRATIVE OFFICERS APPOINTED.

The *Superintendent of Public Works* has in hand the expenditure of immense sums of State money, mainly in the construction and maintenance of the canals. He is appointed by the Governor with the consent of the Senate, and holds office until the appointment of his successor. He may be suspended or removed at will by the Governor. His salary is six thousand dollars.

A *Superintendent of Insurance* is chosen in the same manner for a term of three years. As the name of the office indicates, he has supervision over all insurance business conducted in New York State. He must insure the protection of policy holders by requiring a deposit from all companies that are incorporated elsewhere than in New York. He receives a salary of seven thousand dollars.

The *Superintendent of Banks* is designated in the same manner and for the same term as the Superintendent of Insurance. He has supervision over all banks, trust companies, guaranty companies, and building and loan associa-

tions that are organized under the State law. State banks must make deposits with him to guarantee the payment of bank notes issued by them, and present quarterly reports. These, together with the semi-annual reports of other financial institutions under his authority, are embodied in an annual report to the Legislature. He receives a salary of seven thousand dollars a year.

The *Commissioner of Health* is appointed in the same manner as the officers already mentioned for a term of four years. He has supervision over local health boards, collects statistics, abates nuisances, and regulates the sale of foods. His compensation is three thousand five hundred dollars

The *Superintendent of Prisons* is appointed for five years, at a salary of six thousand dollars. He appoints wardens, chaplains, physicians and agents for the prison system of New York State.

The *Commissioner of Agriculture* is charged with the administration of all laws concerning agriculture and the marketing of farm products. He has the power to condemn infected and diseased live stock and to take all necessary precautions to stop the spread of destructive pests among farm products. His term is three years, at a salary of four thousand dollars.

The *Fish, Forest and Game Commissioner* has a term of four years at five thousand dollars salary. He has supervision of the enforcement of the game laws of the State, and is in charge of the State's forest preserves. Two Commissioners of the Land Office act with him in the performance of his duties.

The *Commissioner of Labor* has three duties. He has charge of the inspection of factories, including the regulation of sweatshops, and the enforcement of the factory and child

labor laws. He collects statistics for the purpose of aiding in the industrial and commercial development of the State. In addition to these functions, he acts as a commissioner of arbitration for the settlement of disputes between employer and employe. He is appointed for four years at a salary of thirty-five hundred dollars.

A *Commissioner of Excise* is appointed for a term of five years at a salary of five thousand dollars. In New York, Kings and Erie counties, he appoints deputy commissioners who are charged with the collection of the liquor tax in those districts. *In this way the excise moneys in New York City, although they are devoted largely to local uses, are collected and handled by the State.* Special agents have charge of this work in other counties. Further reference to the manner of collecting the excise money will be made under the head of *taxes.*

BOARDS AND COMMISSIONS.

The *Regents of the University* of the State of New York form the State's department of education. Their manner of selection and powers will be considered in the next chapter.

The *Board of Charities* consists of twelve members. This body has supervision over all public institutions of a charitable or reformatory character, other than prisons. It must report to the Legislature such measures as may be devised for the relief of pauperism. Commissioners on this board receive ten dollars a day for days of service up to fifty days in the year. They are appointed for eight years each.

The *Lunacy Commission* is made up of three members, serving six years each, at a salary of five thousand dollars, with expenses. They may be removed by the Governor.

The powers of the board extend over all public and private institutions for the care of the insane.

On the *Prison Commission,* only the president receives a salary ($2,500). This body inspects all prisons and other institutions of a penal nature and provides industrial employment for the inmates.

The *Railroad Commission,* of which there are three members, appointed for five years, at a salary of eight thousand dollars each, has charge of the work of removing grade crossings, and of examining into the construction and operation of railroads in the State. It makes an annual report to the Legislature.

The *Quarantine Commission,* of three members, appointed for three years, at twenty-five hundred dollars each, acts in conjunction with the *Health Officer of the Port of New York.* The last named official is appointed by the Governor, at a salary of twelve thousand five hundred dollars, for a term of four years; and is a member of the Board of Health of New York City. The commission has charge of the quarantine regulations of the Port of New York.

The members of the *Tax Commission* are appointed for three years, at twenty-five hundred dollars a year. There are three. They inquire into assessments, visiting each county biennially, and are members of the State Board of Equalization of Assessments. They are allowed five hundred dollars for expenses.

The work of the Civil Service Commission will be taken up in the next chapter in connection with the important topics of taxes and of public education.

The Commissioners of the Land Office are the Lieutenant-Governor, Secretary of State, Comptroller, Treasurer, Attor-

ney-General, State Engineer and Surveyor, and Speaker of the Assembly.

The *Commissioners of the Canal Fund* are the Lieutenant-Governor, Secretary of State, Comptroller and Attorney-General. They pay out all moneys authorized by law for the maintenance and extension of the canals.

The *Canal Board* has charge of the plans of improvements and extensions, and of the investigation of charges against employes of the system. It contains the State Engineer and Surveyor and the Superintendent of Public Works.

The *Board of State Canvassers* consists of the Secretary of State, Comptroller, Attorney-General, and State Engineer and Surveyor; also, in certain cases, of the Mayor and Recorder of the the City of Albany. It has the power of canvassing returns as presented by the various county clerks. Upon the report of this board, the Secretary of State issues certificates of election.

The work of the *Board of Equalization of Assessments* will be referred to in the ensuing chapter. This board consists of the Tax Commissioners and the Commissioners of the Land Office.

The five boards last named are termed *ex officio* boards.

THE MILITIA.

Together with the other States of the Union, New York maintains a drilled body of soldiery, organized by brigades and regiments in the infantry, cavalry and artillery branches of service. For the proper organization and command of the National Guard, as the State military system is called, there is a headquarters staff appointed by the Governor, who is commander-in-chief of the State troops. The Major-

general is appointed by the Governor with the consent of the Senate, and the Adjutant-General by the Governor, without the necessity of other confirmation. The latter receives a yearly salary of four thousand dollars for a term coincident with that of the executive making the appointment.

All able-bodied men, between the ages of eighteen and forty-five, who are residents of the State and citizens, are eligible for enlistment. The term, *militia,* is a broader one than that of National Guard. The militia includes all male citizens, who are eligible for military service, whether members of the National Guard or not. The State government is, however, required by the Constitution to maintain at all times a body of ten thousand men, who are prepared for active service. This is done by the voluntary enlistment of the men of the State in regiments, the officers of which are chosen by the vote of the members. Public officials in the employ of the State, ministers, physicians, teachers and others, who are regarded as acting in the public service, or for the public good, are exempt from military duty. The Governor may call out the militia, when necessary to maintain order, to suppress a riot, or to enforce the laws of the State.

CHAPTER XXVI.

Schools—Taxes—Civil Service.

Three important duties with which the administrative branch of the State government is concerned are: The supervision of public education, the collection of taxes, and the enforcement of the law with reference to civil service. The welfare of the State is dependent to so large an extent upon the proper exercise of these functions, that particular attention should be given by the student to the powers and obligations of the state by which they are covered.

THE SCHOOLS.

The department of education in the State of New York is under the direction of eleven *Regents of the University of the State of New York* and the *Commissioner of Education.* The Regents are chosen by a joint ballot of the Legislature. Except among those elected in immediate pursuance of the law of March 8, 1904, the term of a Regent is eleven years. The first board, chosen immediately after the passage of the law referred to, is made up of members who are appointed for different periods of service, varying from one to eleven years. The selection of the Regents takes place during the second week in February of each year, and the term of service begins on the first day of the following April. Representation upon the

board is to be distributed as equally as possible among the various judicial districts of the State.

The *Commissioner of Education,* in the first instance, was chosen by a joint ballot of the Legislature in the same manner as members of the board of Regents. The first commissioner so elected serves for a term of six years. After the expiration of this term, the next commissioner and all future commissioners are to be selected by the Regents, and will serve during the pleasure of the board. The compensation of the commissioner is seven thousand five hundred dollars a year, with an allowance of fifteen hundred dollars for travelling expenses. With his appointment the former office of Superintendent of Education was abolished.

Full supervision over elementary and secondary schools is vested in the Commissioner of Education. He has nothing, however, directly to do with colleges, technical and professional schools. The commissioner is the executive officer of the board of Regents. He may create departments and appoint deputies and heads of such departments as he may create, his appointments being subject to the approval of the Regents. The latter make all rules necessary to enforce the statutes of the State with reference to education. They also have the same power as formerly over colleges and other higher institutions of learning. No person may receive authority to practice in New York State as a physician, dentist, veterinary, pharmacist, certified public accountant, or lawyer, without first passing an academic examination as prescribed by the Regents. The requirements for admission to the bar are laid down by the Court of Appeals.

The Commissioner of Education is aided in his work by three assistant commissioners. Other officers of the department are the *Director of Public Libraries and Home Education,* and the

Director of Science Work and of the State Museum.

By a provision of the Constitution, the Legislature is required to maintain a system of free common schools for the education of the children of the State. In the larger villages and the cities, this mandate is carried out by local boards of education. Elsewhere the State is divided into districts, each of which is under the supervision of a *school commissioner*. School commissioners are elected by the voters of their respective districts for a term of three years each. A school commissioner's district is divided into school districts. In each of these, there is located a common school, the maintenance of which devolves upon the people of the district. Certain state moneys are also paid for the support of the district schools.

The salary of a school commissioner is one thousand dollars a year, with two hundred dollars for travelling expenses; and this compensation may be increased by the board of supervisors of the county in which he may be serving. The commissioner may subdivide his district into a convenient number of school districts. He has full power of supervision and direction over the instruction and discipline of children in the schools, and under the direction of the state authorities examines candidates for appointment as teachers and grants licenses to teach. Women are eligible for election as school commissioners.

The *school district* is a unit for purposes of school government and support. Any man or woman who resides in the district and owns property therein subject to taxation for school purposes, or who sends one or more children to the district school, may vote at the district meeting. At this meeting, which is held on the first Tuesday in August, from one to three trustees, a district clerk, a collector and a treasurer are elected for terms of one year each. Where three trustees are chosen, they serve for terms of three years, respectively, one

trustee going out of office each year. The powers of the school meeting include the fixing of bonds for the collector and treasurer, the selection of sites for school houses, the levying of taxes for school purposes, the determination of teachers' salaries, the purchase of supplies to a limited extent, and the provision for school libraries. Districts that contain more than three hundred children of the age required for school attendance are provided for by a special law.

The *trustees* of a school form a corporate body for the management of all school property in the district. The trustee calls special meetings of the school district, makes out lists for the collection of school taxes, procures property and equipment for school purposes, as directed by the district meeting, and prescribes rules of discipline for the government of the school. He may also outline, subject to the law of the State and the supervision of the Commissioner and the department of education, the course of study to be pursued.

A *union free school* is formed when the voters of adjoining school districts vote to consolidate their school interests. A board of education of from three to nine trustees is elected. These have the powers of ordinary district trustees. An academic department, or high school, may be established in such a school, and this department comes under the supervision of the Commissioner of Education. When the population of the union district is sufficiently large, the board may elect a superintendent.

Money for the maintenance of the schools is derived from the following sources: An annual tax, levied by the State Legislature upon the taxable property in each county, the income of the Common School Fund and the income of the United States Deposit Fund. The two last named sources are educational funds invested according to the Constitution for school

The county board of supervisors next takes up the rolls from the different towns or districts. When engaged in this work, the supervisors form the *County Board of Equalization of Taxes.* Valuations through the entire county are adjusted by this board.

The sum to be raised by tax is determined in the following manner: The amount necessary for the support of the State government is determined by the Legislature, and so apportioned by the State tax commissioners among the various counties. The State board of equalization, of which the tax commissioners are members, meets once a year. It exercises similar powers with reference to the entire State to those vested in the county boards with reference to the counties. It also listens to appeals from county boards. To the sum thus apportioned to a county are added the amount to be raised by a county tax for the maintenance of the county government, and the amount named by each town meeting to be raised for town purposes. When a city is located in the county, the amount necessary to be raised to carry on its government is named by the common council, and is added to the total in the same way as the portion of the town. School taxes and taxes for the support of a village government are levied independently. The amount to be raised by taxes in a county that contains a city of more than one hundred thousand inhabitants, in addition to providing for the principal and interest of any existing debt, must not exceed two per cent of the assessed valuation of property in such county or city.

Each collector of taxes is directed by the board of supervisors to pay over such sums as are due to the commissioner of highways, overseers of the poor, town supervisor and city treasurer, for the maintenance of the various departments with which these officials are connected. The balance is paid over to the

county treasurer, who in turn pays the share of the State into the hands of the Comptroller. The State Comptroller and the county treasurer both have authority to sell property for the non-payment of taxes.

The various kinds of property that are exempt from taxation have been enumerated in the chapter of this book which deals with taxation in New York City.

SPECIAL STATE TAXES.

A *transfer tax,* more commonly known as an *inheritance tax,* is imposed by the State upon the transfer of real or personal property of more than five hundred dollars in value, by will, bequest or inheritance. Surrogates' courts have jurisdiction over questions that arise concerning the imposition of this tax.

A *corporation tax* is levied upon the capital stock of all corporations organized under the laws of the State. Further taxes of a similar character are taxes upon dividends, and license taxes upon foreign corporations doing business in New York. Certain corporations, which are otherwise taxed, are exempted from the payment of corporation taxes. *Franchise taxes* are annual State taxes levied upon corporations engaged in operating public utilities. These include railroad, telegraph, telephone and street railway companies, corporations organized to manufacture and supply gas, electricity, or power, and various incorporated associations of a like nature. Franchise taxes are also imposed upon insurance companies, trust companies, savings banks, and foreign bankers doing business in the State. Reference has already been made to the tax upon foreign insurance companies doing business in New York City.

An *excise tax* is collected upon the sale of liquor throughout the State. This tax is levied by the State and is collected in

Greater New York and Buffalo by special deputy commissioners and elsewhere by special agents, under the direction of the State Commissioner of Excise. Two-thirds of the proceeds of the liquor tax is paid by the State to the city or county in which it is collected; the balance is applied to State purposes.

THE CIVIL SERVICE.

The term *civil service,* as applied to New York State, includes all offices and positions of trust and employment in the government of the State or of one of its political subdivisions. The civil service of the State and of its different subdivisions is divided into the *classified* and *unclassified* services. The *unclassified service* is made up of all offices filled by popular election, or by the choice of the Legislature on joint ballot; all persons appointed by name in any statute; all legislative officers and employees; all offices filled by appointment of the Governor, except officers and employees in the executive offices; election officers; the heads of various departments in the government; and all persons employed as superintendents, principals and teachers in public schools. The *classified service* includes all positions that are not in the unclassified service. The classified service is divided into four classes, the exempt class, the competitive class, the non-competitive class, and, in cities, the labor class.

The *exempt* class contains all deputies of principal officers; secretaries of officers, boards and commissions; clerks and deputy clerks in courts and clerks of elective judicial officers; and various labor positions in the State service. Positions in the exempt class are filled by appointment without examination.

The *competitive class* contains all positions that may be

filled by appointment from an eligible list, and only after a competitive examination. Temporary appointments may sometimes be made without competitive examination in this class. Exceptions from such examination are allowed when the position to be filled requires such high scientific or special attainments as are to be found only in some person who may be individually designated. Vacancies in the competitive class are required to be filled, as far as possible, by promotion, based upon merit, as well as examination.

The *non-competitive* class consists of positions that are not in the exempt or labor classes, but that it is not practicable to include in the competitive class. Such positions are filled after non-competitive examination.

In the *labor class,* positions are filled by appointment from registered lists of names. Preference is given according to the date of registration.

In all appointments from eligible lists, preference must be given to honorably discharged soldiers and sailors of the United States who are veterans of the Civil war. No veteran of the Civil war, the recent Spanish war, or of a volunteer fire department of this State, can be removed from a position in the civil service, except after a hearing upon due charges, with the right to review on a writ of certiorari. This provision of the law does not apply to a secretary, cashier, or deputy of any official or department.

The *State Civil Service Commission* has supreme authority in the enforcement of the civil service laws in New York State. It is made up of three members, only two of whom may be of one political party. They are appointed by the Governor, with the advice and consent of the Senate, for an indefinite term, and may be removed by the Governor at will. Each commissioner receives a salary of three thousand dollars annually,

with travelling expenses. The powers and duties of the commission are: (1) to prescribe and enforce rules for the proper carrying out of the civil service laws; (2) to keep records of its own proceedings and of the different examinations; (3) to investigate into the enforcement of the civil service laws, rules and regulations; (4) to compel the attendance of witnesses by issuing subpoenas, and otherwise to make its investigations effective; (5) to present an annual report to the Governor; (6) to meet each month at Albany, and to hold other meetings as the public service may require.

In the city, the Mayor has authority to appoint suitable persons to make and enforce rules for the civil service of the city. These persons make up a *municipal civil service commission.* Not more than two-thirds of the persons appointed to serve on such a commission may be of one political party. All rules made by a municipal civil service commission require the approval of the Mayor of the city and of the State Civil Service Commission before they can become valid. All examinations are likewise subject to the inspection of the State commission. Each municipal civil service commission is required to report to both annually, and at such other times as may be required, to the State commission. Municipal commissioners are removable either by the Mayor of the city in which they are appointed or by the State commission. In the latter case charges must be preferred and a hearing be granted, and no final action may be taken without the consent of the Governor. The State commission by a unanimous vote may amend or rescind any rule of a local municipal commission.

CHAPTER XXVII.

The Federal Government.

The earlier movements towards union among the American colonies resulted in the gathering of the First Continental Congress in September, 1774. This body was composed of delegates from all the colonies, and met for the purpose of concerting plans of common resistance to the oppression of Great Britain. Like the first, the Second Continental Congress, which met in the spring of 1775, was, in the beginning, an advisory body. Following the outbreak of the war, however, the need of an organized government became apparent; and immediately after signing the Declaration of Independence, on July 4, 1776, Congress took up the discussion of a measure providing for such a government. This measure, embodied in the report of a committee that had been appointed for the purpose of drawing up a plan, was known as the Dickinson draft, and was debated until November 15, 1777, when it was finally adopted in the form of the *Articles of Confederation.*

Under the articles, Congress could make war and conclude peace, make treaties with foreign countries, and maintain an army and a navy. It was authorized to settle disputes among States, but had no power to enforce obedience to its enactments. The States alone could collect taxes and carry out the laws, and the consent of nine of the thirteen States represented in Congress was necessary to the passage of any measure. Mas-

much as the enforcement of such a measure was even then optional with a State, there was no uniformity of administration throughout the country. Furthermore, rivalry between sections of the new confederation and differences in interest quickly developed to weaken the little power that had been vested in the National government. The boundaries of the different States were lined with custom houses, in which frequently prohibitive duties were collected upon goods imported from other States. When Congress called for the levy of any tax with which to pay troops or to meet other necessary expenses, some of the States would collect and others would not. The need of a radical change was soon evident.

THE CONSTITUTION.

Reference has been made to the surrender of sovereign powers to the general government by the States in the formation of the Federal Union under the Constitution. The adoption of the Constitution was effected only after the calling of a second convention and several months of spirited discussion. But five States responded to the first call for a convention to meet at Annapolis in 1786. The small States held entirely aloof. In fact, only twelve States appointed delegates to the convention of 1787, Rhode Island not being represented. The Constitution was passed by the convention in September of that year.

In order to secure the consent of all the States, several important compromises had to be introduced. These may be regarded under four distinct heads; those of *representation*, of *slavery*, of the *interpretation of the relation of State to Nation*, and of the *form of the Federal government*.

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In the first case, it was found that the smaller States were jealous of the power of the larger ones. In order to satisfy both parties, representation in Congress was so arranged that in the Senate the former had equal voting power with the later, two senators being chosen by each. The larger States, on the other hand, were satisfied by the apportionment of representation in the House of Representatives according to population.

The question of slavery involved two things, a demand on the part of the South for full representation for slaves in the House, and the fear of the slave owners that the power of Congress to regulate American shipping would lead to the prohibition of the slave trade. The matter was settled by the provision that, in determining the representation of a State, three-fifths of the number of persons held in service should be added to the total number of freemen. This gave to the slave owners a great preponderance of power. Congress was also prohibited from abolishing the slave trade until 1808, although a tax of ten dollars was laid on all slaves imported up to that date.

Those who favored a strong central government were opposed by the advocates of a reservation of sovereign powers by the States. In order to adjust differences that were, for the time, not to be reconciled, the Constitution was not allowed to define fully the general powers of the Federal government as related to those of the States. This left open the great question of expressed and implied powers, which later formed the dividing line between political parties. One phase of this great question was the determination of "State rights," which ultimately led to the War of the Rebellion.

The fourth line of compromise was effected by placing constitutional checks upon the executive, making the President

subject to impeachment; and by giving to the Supreme Court power over hasty or ill-advised legislation, with the authority to decide upon the constitutionality of laws. It was evidently the intention of the founders of the Federal government to make it what has been termed a *"government of checks and balances."* In addition to the power of impeachment possessed by Congress and the quasi-legislative power of the Supreme Court mentioned, other checks exercised by one department upon another are found in the veto power of the President, and in the necessity of confirmation of important executive appointments by the Senate and the requirement of the consent of that body to the ratification of treaties.

Even with these provisions, great fear was expressed by certain leaders, among whom was Jefferson, that the adoption of the Constitution would lead to the establishment of a monarchy. Owing to the strong opposition that was encountered in New York, Virginia and some of the lesser States, it was two years from the time of its adoption by the convention of 1787 before the Constitution went into effect. Rhode Island and North Carolina even then refused to consent. On March 4, 1789, the first Congress of the United States assembled in New York, and on April 30 of that year George Washington took the oath of office as President of the United States.

POWERS OF GOVERNMENT.

The Constitution is the supreme law of the land. By it are defined the powers of government in both state and nation, and the rights of those who live within the jurisdiction of either. We have seen that the constitution of the State represents the *legislative* will of the people of the state. In the same manner

the Constitution of the United States represents the legislative will of the people of the United States.

The powers of government under the Constitution are divided in the following manner: (1) *Powers to be exercised by the United States;* (2) *powers to be exercised by the different state governments;* (3) *powers reserved to the people.* Among these are certain *concurrent* powers that may be exercised at the same time by both State and Nation. In the event of a conflict in concurrent powers, those of the Nation are superior to those of the State.

POWERS OF THE NATIONAL GOVERNMENT.

(1) *The Control of Foreign Relations.* This involves the making of treaties and the appointment of ambassadors, ministers and consular officers, to represent the United States in other countries. The control of immigration and the ratification of reciprocity treaties, providing for mutual tariff regulations, come within this province of the general government.

(2) *Authority on the High Seas.* By the term, "high seas" is meant the ocean beyond the limits of a line drawn three nautical miles from the coast of any country. Every nation has full rights upon the high seas. Congress may define and punish felonies and acts of piracy upon the high seas, when committed by citizens of the United States.

(3) *The Declaration of War.* Congress may declare war, and the President, with the consent of the Senate, may make treaties of peace. Letters of marque and reprisal, which may be granted by act of Congress, are warrants of authorization, issued to private owners of ships, in which the right is delegated to take captive ships of the enemy in the name of the United States government. Private captures without such

authority constitute acts of piracy. The miltia of the different states may be called into the National service "to execute the laws of the United States; to suppress insurrections and to repel invasions." The President is commander-in-chief of the armies of the United States.

(4) *The Right of Taxation.* The Constitution gives to Congress the power to lay and collect taxes for the support of the government and to provide for the common defense of the United States. Duties on imports are included under the so-called *tariff laws.* Another form of taxation is that known as the *internal revenue* tax. This is a tax imposed on the manufacturer and rectifier of alcoholic spirits, and upon the manufacturer of tobacco products, patent medicines and certain other articles. For convenience in the collection of this tax the country is divided into internal revenue districts. Special taxes, such as those levied on legal documents and commercial papers during the Spanish-American War, are included in the internal revenue. These are all indirect taxes. As has already been noted, direct taxes may be levied proportionately among the different States, according to population. No export tax may be levied in the United States.

(5) *The Power to Borrow Money.* The government may raise money in a time of emergency in two ways. It may levy extraordinary taxes, or it may borrow money by the issue of bonds, bearing a certain interest and redeemable after a specified number of years.

(6) *The Regulation of Commerce.* Commerce, as carried on under the United States government, may be classed as *foreign* and *inter-state.* Over both classes Congress has full control. The regulation of foreign commerce involves the enactment of tariff laws, reciprocity treaties with other nations, and navigation laws. Quarantine regulations, the provision

of lighthouses, life saving stations and coast survey work are all included within the scope of this power. The executive department that has supervision over the commercial affairs of the country also directs the enforcement of the immigration laws.

(7) *Inter-state Commerce* is commerce that is carried on between different states of the Union. Telegraph and telephone lines, railroads, canals, steamboats and other means of transportation and communication are included within the operations of inter-state commerce. The regulation of this branch of trade is in the hands of the Inter-state Commerce Commission, which has power to compel uniformity in railroad rates. The Sherman anti-trust law, so-called, which was enacted in 1890, is another provision relating to inter-state commerce, and prohibits combinations of capital in restraint of trade.

(8) *Postal Regulations.* The Constitution gives to Congress authority to establish post offices and post roads. This power of the general government includes the maintenance and protection of the entire system of mails.

(9) *Bankruptcy Laws.* Congress may make uniform laws on the subject of bankruptcy throughout the United States.

10) *The Coinage of Money.* This is solely the prerogative of the Federal government under laws made by Congress. Connected with the power to coin money is that of fixing standards of weights and measures. Gold, silver, nickel and copper coins are made at the mints. In addition to this metallic money, which is known as *specie,* the government issues two kinds of paper money. One class comprises the gold and silver certificates, each of which is issued as a voucher for a certain amount of gold or silver actually on deposit in the treasury of the United States. The second class does not rep-

resent a deposit of metal to the amount of its face value, but is, on the other hand, a promise to pay the sum specified on the face of each note. The treasury notes, or greenbacks, are issued upon the credit of the United States government.

(11) *Copyrights and Patents.* A patent is an exclusive right, guaranteed by the government to an inventor for a term of seventeen years. Similar rights, guaranteed to authors for a term of twenty-eight years with the privilege of renewal for fourteen more, are termed copyrights.

In adition to the powers of Congress already outlined, the National government has jurisdiction over all territory and property that may be owned or used by it for Federal purposes.

TERRITORIES.

There are two kinds of territories under the jurisdiction of the Federal government. An *unorganized territory* is one that is governed by a Governor and territorial judges, appointed by the President. These merely enforce the laws that are made for the territory by Congress. In an *organized territory*, the executive officers, consisting of the Governor, Secretary and Treasurer, are appointed by the President; and the laws for local application are made by a Territorial Legislature, elected by the people. Congress must approve of all laws that are enacted by the Legislature of a territory. Alaska and the Indian Territory are unorganized territories; New Mexico, Arizona and Oklahoma, organized territories. Each territory is represented in Congress by a Territorial Delegate.

The city of Washington is under the rule of the Federal government. Its laws are made by Congress and commissioners, who are appointed by the President, are at the executive head of its government. No person who resides in the District of Columbia has the right to vote.

A territory becomes a State in the following manner: An enabling act is passed by Congress authorizing its inhabitants to form a government. Delegates are then chosen to form a constitutional convention. The constitution of the new State is then submitted to the voters of the territory, and when adopted by them is certified to the President of the United States. A proclamation is finally issued by the President declaring the admission of the former territory into the Federal Union as a State. The constitution adopted by the people must be in accord with the Constitution of the United States.

POWERS OF THE STATE GOVERNMENTS.

The several States may exercise all powers that are not definitely assigned by the Federal Constitution to the United States; or forbidden by the Constitution to the different State governments; or reserved by the Constitution to the people. The regulation of all civil relations and the administration of criminal law are almost entirely in the hands of the States.

PROHIBITIONS.

Certain acts are forbidden by the Constitution to the government of the United States, and certain other acts to the governments of the various States. These prohibitions involve both civil and political rights of the Nation and the State in their relation to one another.

The United States is prohibited from exercising any powers in the following cases:

(1) The privilege of the *writ of habeas corpus* may not be suspended, except in cases of rebellion or invasion, when the public safety may demand it.

(2) No *bill of attainder* or *ex post facto law* may be passed. A bill of attainder is an act of a legislative body declaring a person to be guilty of treason or some other great crime, and imposing penalties upon the descendants of the person attained. An ex post facto law is a law passed after the commission of some act which such a law would make a crime. A law which would be retroactive in any particular case would be an ex post facto law, and is not permitted by the Constitution.

(3) No *capitation* or *direct tax* may be levied except in proportion to population according to the census.

(4) No tax may be laid upon articles exported from any State and no preference may be given to one State over another in the matter of commerce.

(5) No money may be drawn from the treasury except in consequence of legal appropriations.

(6) No *title of nobility* may be granted, and persons holding public office in the Federal government are forbidden to accept gifts, offices or titles from foreign nations.

Congress was also prohibited in the early days of the nation from interfering with the importation of slaves. This was one of the great compromises. The prohibition became inoperative in the year 1808.

The States are prohibited from the following acts:

(1) Entering into treaties, alliances and confederations.

(2) Coining money or issuing bills of credit.

(3) Making war without the consent of Congress.

(4) Levying import or export duties, except in order to execute a State's own inspection laws.

(5) Maintaining military or naval forces in times of peace without the consent of Congress.

(6) Slavery is prohibited in the different States by the thirteenth amendment to the Constitution.

(7) The rights of citizens are not to be abridged or denied in any State; and no person may be deprived of life, liberty, or property without due process of law.

(8) By the fifteenth amendment, the right to vote must not be abridged by reason of race, color, or any previous condition of servitude.

The representation in Congress of different States is apportioned according to their population, including all except Indians not taxed. When, however, the right to vote at Federal or State elections is denied persons otherwise eligible to vote, the basis of representation is to be reduced proportionately.

AMENDMENTS.

An amendment to the Constitution of the United States is adopted in the following manner: A convention may be called either upon the vote of two-thirds of both houses of Congress, or at the request of two-thirds of the legislatures of the several States. Such a convention may formulate an amendment, which shall be valid upon the ratification of three-fourths of the legislatures of the several States, or of conventions held therein for the purpose. No State may be deprived by any amendment of equal suffrage in the Senate.

CHAPTER XXVIII.

Congress.

The legislative powers of the United States government are vested in Congress. That body consists of a Senate and a House of Representatives, sometimes distinguished as the *upper house* and the *lower house,* respectively.

Congress meets annually, on the first Monday in December. The duration of each Congress is two years, beginning and ending on March 4 of the odd numbered years. Each meeting is called a *session.* The *long session* continues from the first Monday in December in an odd-numbered year into the spring or summer of the next year. The *short session* lasts from the first Monday in December in an even-numbered year until the following March 4. Representatives are chosen on the even-numbered years. In this way, unless summoned for an extra session, a Representative does not take his seat for more than a year from the time of his election.

THE SENATE.

Members of this body are elected by the legislatures of the different States, meeting in joint session. Balloting for the choice of a Senator must begin on the second Tuesday after the *organization* of the legislature immediately preceding the

expiration of a senatorial term. Each house meets separately and votes upon a candidate. At noon of the following day the two houses meet together, and the journals of the former day's proceedings are read and compared. If the same person has received a majority of the votes of both houses, he is declared elected. In case there is no such agreement, the legislature must proceed to the choice of a Senator by a *viva voce* vote. At least one vote must be taken daily at noon until a Senator is elected. A majority of all the members of the legislature is required for election. Senatorial vacancies occurring during the sessions of the legislature are filled by the legislature in the foregoing manner. When, however, such a vacancy occurs during a recess of the State legislature, a Senator is appointed by the governor of the State, to hold office until the next session of the legislature. Each State is represented in the Senate by two Senators.

As compared with the House of Representatives, the Senate may be regarded as the conservative body of the Federal legislature. The division of Congress into two bodies was designed as a check upon hasty and ill-advised legislation. It was thought that by creating a Senate, in which the term of office was longer, qualifications for membership higher, the tenure of office and method of election less directly dependent upon the variations of popular sentiment, and the number of members smaller than in the lower house, greater deliberation in legislation would be insured and the stability of the government further safeguarded.

The *term* of a Senator is six years, one third of the entire Senate being elected every two years. This was effected by dividing the first Senate into three parts. Those in the first division went out of office at the end of two years; those in the second at the end of four years; and those in the third at

the end of six years. All members subsequently were chosen for the full term. By means of this device, the membership of the Senate is changed gradually, a majority of the body being always composed of men of experience in public affairs.

To be elected to the Senate, a person must be thirty years of age or over, a resident of the State from which he is sent, and must have been for at least nine years a citizen of the United States.

Certain *executive powers* devolve upon the Senate. An *executive session* is held by the Senate whenever the necessity arises for it to exercise these powers. A session of this kind is always held behind closed doors, the public being excluded. The executive powers of the Senate are twofold, including the confirmation of presidential appointments and the ratification of treaties.

The *Vice-President of the United States* is the presiding officer of the Senate. He may not vote upon questions submitted to it, except in the case of a tie.

THE HOUSE OF REPRESENTATIVES.

No definite number is fixed by the Constitution for the membership of the House of Representatives. It is provided, however, that representation may not exceed one for every 30,000 inhabitants. The ratio of representation is determined by Congress on the basis of the census, which is taken every ten years. The first House contained sixty-five members, at a ratio of one to 60,000. In 1793, the membership was increased to one hundred and five, at a ratio of one to 33,000. The present membership of the House, based upon the census of 1900, is three hundred and eighty-six, at a ratio of one Representative to 194,182 persons in the United States subject to *enumeration for* the purpose.

The House of Representatives.

Representatives are elected by the voters of the several congressional districts in the various States at the general election of the even-numbered years. The *term* of a Representative is two years. He must be at least twenty-five years old, a resident of the State from which he is sent, and must have been a citizen of the United States for seven years. Any person may vote for a Representative who is qualified to vote for a member of the lower house in the legislature of his own State.

Members of Congress, whether Senators or Representatives, receive the uniform salary of five thousand dollars a year.

Territorial delegates may take part in the debates of the House, although they may not vote therein.

Legislation in Congress.

The legislative powers of Congress have been outlined under the powers of the United States government. Bills for raising money for Federal purposes must originate in the House of Representatives. The scope of Federal legislation may be summed up under the following heads: (1) Taxation; (2) the regulation of commerce; (3) the borrowing of money; (4) the coinage of money and the determination of standards of weights and measures; (5) the maintenance of the postal service; (6) the protection of inventors and authors by patent and copyright laws; (7) extra-territorial powers in defining and punishing piracy and other crimes committed upon the high seas; (8) the naturalization of aliens and the definition of citizenship; (9) the establishment of uniform bankruptcy laws; (10) the declaration of war, the issue of letters of marque, and the maintenance and direction of the military forces of the United States; (11) the control of Federal territory. Congress may *make all laws* that are necessary to maintain the *authority of the National* government under any of these gen-

eral powers delegated to it in the Constitution. Under the theory of implied powers, Congress has passed from time to time laws for which no direct authority is expressed, but which have been sustained by the Supreme Court as being included within the operation of the powers already stated to be those of the general government. This class of legislation includes the protective tariff, the purchase of foreign territory, the establishment of a national banking system, the incorporation of railroads and many other of the most important legislative enactments in our history.

The process of law-making in Congress closely resembles that which has been described in connection with the Legislature of New York State. The *Speaker* of the House is elected by a majority vote. By him are appointed standing committees to consider and report on different kinds of legislation that may be proposed. The chairman of each committee is indicated by the Speaker. In the Senate, the members and chairmen of standing committees are chosen by ballot. By reason of his power in appointing committees, the Speaker of the House of Representatives has greater influence in legislation than any other member of Congress.

In order to become a law, a bill must pass both houses of Congress. It must then be sent to the President of the United States for his signature. Ten days are allowed in which the President may consider a measure. During that time he may either sign or veto it. In case he does neither, but allows ten days—Sundays excepted—to pass without taking action, the measure becomes a law without his signature, providing *always that* Congress is still in session. If, in the meantime, *Congress has* adjourned, the bill fails to become a law. A

measure may be passed over the veto of the President by a two-thirds vote of both houses.

IMPEACHMENT.

Impeachment proceedings originate in the House of Representatives, where charges are prepared to be presented at the bar of the Senate. Officials, accused in this manner of malfeasance or other "high crimes," are tried by the Senate, which is organized for the purpose into a Court of Impeachment. When either the President or the Vice-President is the subject of impeachment proceedings, the Constitution provides that the Chief Justice of the Supreme Court shall preside in the Senate during the trial. A two-thirds vote is necessary to the conviction of an impeached official. Persons subject to impeachment proceedings are the President, Vice-President, and all civil officers of the United States, including members of the judicial branch of the government. Neither members of Congress nor military officials can be impeached.

CONGRESSIONAL PRIVILEGES.

The privileges of Congressmen include immunity from arrest, except for treason, felony or a breach of the peace; and freedom of speech and debate. No member may be compelled to answer, either civilly or criminally, for anything said by him upon the floor of Congress.

No member of Congress is permitted to receive appointment, during the time for which he may have been elected, to any office that may be created, or the emoluments of which may be *increased during* his term as Senator or Representative.

CHAPTER XXIX.

The Federal Executive.

The *President* is the executive head of the government of the United States. He is elected in the following manner, for a term of four years:

On the first Tuesday after the first Monday in November of every fourth year, *electors* are chosen by the different States. The number of electors in each State must be equal to the total number of Representatives and Senators that the State sends to Congress. While the manner in which the electors are to be chosen is not prescribed in the Constitution, the present method of election upon a general ticket by popular vote is practised in all the States, except Michigan. In that State, two electors are named by a general ticket that is voted for by the people of the entire State, while the rest of the electors are chosen severally by the voters of the different Congressional districts. For this reason, the electoral vote of Michigan may be divided, as in 1892.

On the second Monday in January, the electors meet in the different States and cast their ballots for the President and Vice-President. Certificates showing the result are then prepared in triplicate and signed by the electors. Two of these are sent to the President of the Senate at Washington, one by mail and one by special messenger; the third is deposited with

the Distict Judge of the United States court district in which the meeting held. The electoral votes are counted in Congress on the second Wednesday in February. The electors of the several States make up what is known as the *Electoral College.*

In case no candidate has received a majority of the electoral votes for President, the House of Representatives must proceed by ballot to the election of a President. The vote in this case must be by States and after the manner prescribed by the Constitution. In lieu of a majority of the electoral college for any candidate for the vice-presidency, the Vice-President is chosen by the Senate.

In order that he may be *eligible* to the office of President, a person must be thirty-five years of age or over, a natural born citizen of the United States and a resident of the United States for at least fourteen years prior to his election.

A vacancy in the office of President is immediately filled by the Vice-President. When there is neither a President nor a Vice-President, the succession passes to the members of the cabinet in the following order: Secretary of State, Secretary of the Treasury, Secretary of War, Attorney-General, Postmaster-General, Secretary of the Navy, and Secretary of the Interior.

The salary of President is $50,000 annually. The amount of the President's salary is fixed by Congress, which may increase or reduce it. No increase or reduction, however, may take effect until the end of the term of the President who is in office at the time of the change.

POWERS OF THE PRESIDENT.

The powers of the President of the United States may be *divided into six classes,* as follows:

(1) *The Veto Power.* This power has been explained in connection with Congressional legislation.

(2) *The Appointing Power.* With the advice and consent of the Senate, the President appoints ambassadors, other public ministers and consuls, judges of the Supreme Court, and many other important executive and judicial officers of the government. Many lesser officials are appointed by the President alone, without the consent of the Senate. The great mass of Federal appointments are made under the *National civil service laws.* A *commission* has been established by act of Congress, which conducts examinations, prepares eligible lists, and carries into effect the laws relating to the civil service.

Reference has been made to executive sessions of the Senate. During a recess of that body, the President may make any appointments that would otherwise be subject to confirmation, by issuing a commission which is effective only until the end of the next session.

The President may dismiss officials who have been remiss in the performance of their duties. Military and naval officers are removed by court martial and judicial officers by impeachment.

(3) *The Pardoning Power.* The power to pardon criminals for offences against the United States carries with it the power to reprieve and commute sentences. The pardoning power may not be used in cases of impeachment.

(4) *The Power to Make Treaties.* This power includes the conduct of foreign relations. It is subject in its final operation to the consent of the Senate. In making treaties, the concurrence of two-thirds of the Senators present is necessary for ratification. A *treaty* is drawn up by specially accredited representatives of the two nations that are parties

to the "convention." When an agreement is reached, the finished draft is submitted to the President, who may approve or disapprove it. In the event of his approval, it is sent to the Senate for ratification in executive session. When it has been ratified by the Senate, it is signed by the President and turned over to the Secretary of State for what is known as an "exchange of ratifications." After this has been made, the treaty is finally proclaimed.

(5) *The Power to Administer Internal Affairs.* The various duties of the executive in enforcing the laws of the land belong to this power. With it may be classed, also, the power which the President has to convene either one or both houses of Congress. This may be done on "extraordinary occasions," as in the case of a threatened war, or a grave financial crisis.

(6) *The Military Power.* The President is commander-in-chief of the military and naval forces of the United States. He may direct the opening of hostilities in a time of war, and also proclaim a blockade.

DEPARTMENTS OF THE EXECUTIVE.

In order that the extensive duties of the executive may be effectively performed, Congress has from time to time established a number of subordinate departments, among which are distributed the different kinds of public business. The head of each of these departments, which are nine in number, is a member of the President's cabinet. The President consults his cabinet regularly upon important public matters. The Vice-President and each member of the cabinet receives an annual salary of eight thousand dollars. The cabinet is composed of the following officials: Secretary of State, Secretary of the Treasury, Secretary of War, Attorney-General of the

United States, Secretary of the Navy, Postmaster-General, Secretary of the Interior, Secretary of Agriculture, and Secretary of Commerce and Labor.

The Department of State. This department has charge of the foreign relations of the nation. There are two classes of agents or representatives of the United States in foreign countries, diplomatic and consular. Through a *diplomatic agent* all official intercourse is carried on between this government and the government of another country. There are four ranks of diplomatic agents: Ambassadors, Ministers Plenipotentiary, Ministers Resident, and Chargés d'Affaires. A *consular agent* is a representative of the United States in another country, who is especially charged with the protection of American citizens and commercial interests. Permission must be obtained from the government of the country to which he is sent before a consular agent may take up his official duties. The form in which this permission is extended is known as an *exequatur*. The Secretary of State is the keeper of the great seal of the United States.

The Department of the Treasury. In the custody of this department are placed the financial interests of the nation, including the direction of the national banking system. The most important work of the Treasury Department is the collection of the revenues of the government. The Bureau of Engraving and Printing, in which the paper currency of the United States is printed, is in this department. Certain functions of the Treasury Department, such as the maintenance of the coast and geodetic survey and the enforcement of the immigration laws, have been transferred to the Department of Labor and Commerce. A *national bank* is one that is incorporated under the laws of the United States. Before incorporating, a national bank must deposit United States bonds

to the amount of one-fourth of its capitalization. The minimum deposit allowed is $50,000. Against this security, the bank is permitted to issue notes to the amount of ninety per cent of its deposit. All national banks are under Federal supervision.

The War Department. This department is charged with the maintenance and direction of the military forces of the nation. The various army posts and the Signal Service come within its supervision.

The Department of Justice. The Attorney-General is the chief official of this department. With his assistants, he acts both as adviser of the government upon legal questions and as prosecuting officer in cases where the Federal laws are infringed upon. He appears in all cases before the Supreme Court and the Court of Claims in which the United States is an interested party.

The Navy Department. This department has control over the ships, naval equipment, and the enlisted naval forces of the government.

The Post Office Department. The transmission of mail matter in various ways is in the hands of this department. The Postmaster-General, who is at its head, may negotiate postal treaties with foreign countries.

The Department of the Interior. In the different bureaus of this department the following duties are performed: The issuing of *patents;* the care of *Indian affairs;* the management and sale of *public lands;* the payment of *pensions;* the taking of the *census,* and the direction of education.

The Department of Agriculture. All matters pertaining to farming, live stock, crops, fruit raising and like products, are investigated in this department, and measures are taken to

promote the agricultural interests of the country. The Weather Bureau is under the Department of Agriculture.

The Department of Commerce and Labor. This department was formed out of the former Labor Commission. To it were transferred, in addition to the powers possessed by the old commission, certain powers and duties of the Treasury Department, notably the supervision of immigration. It has important powers also in the inspection of steamboats and the investigation of the conduct of corporations.

EXECUTIVE BUREAUS AND COMMISSIONS.

Chief among the other executive branches of the United States government are the following:

The Inter-state Commerce Commission, which has supervision over railroad rates, and is charged with the enforcement of the Sherman Law.

The Civil Service Commission, the duties of which have been referred to in connection with the appointing power.

The Government Printing Office, in which the President's message, various annual reports, the Congressional Record, and other government publications are printed.

The National Museum, Smithsonian Institution and Bureau of Ethnology.

The Librarian of Congress, who has charge of the administration of the laws applying to copyrights.

CHAPTER XXX.

The Federal Judiciary.

According to the Constitution of the United States, the judicial power of the National government is "vested in one Supreme Court, and in such inferior courts as Congress may from time to time ordain." All judges, in both the Supreme Court and inferior courts, hold office for life or during good behavior. In this way the independence of the judicial branch is, in a measure, insured; and its judges kept free from the influence of political considerations in the performance of their duties.

A single check upon the powers of the Federal judiciary, is found in the authority of Congress to try its judges in impeachment proceedings. In the early sessions of the convention of 1787, which drafted the Constitution, it was planned to lodge the power of impeachment with the Supreme Court. It was seen, however, that such a provision would make the judicial department the most important branch of the government. Consequently, the right to initiate proceedings and conduct trials was conferred respectively upon the House of Representatives and the Senate. Any Federal judge may be removed in this manner upon conviction.

JURISDICTION.

An impartial tribunal is necessary for the settlement of disputes arising between different States, or between a State and

the United States. Such a tribunal could not be found in any State court, consequently the system of Federal courts was established by the Constitution for the trial of all cases that involve the laws of the United States or to which the United States is a party. The judicial power of the National judiciary is stated by the Constitution to extend over the following matters:

(1) Cases in law and equity arising under the Constitution, laws and treaties of the United States.

(2) Cases affecting ambassadors and other diplomatic officials.

(3) Cases of admiralty and maritime jurisdiction. Admiralty jurisdiction is jurisdiction over cases arising on the high seas or in connection with ships, such as salvage claims or piracy.

(4) Controversies to which the Federal government is a party.

(5) Controversies between two or more States, between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States; and between a State, or its citizens, and foreign states, citizens or subjects.

COURTS.

Besides the Court of Impeachment and the Court of Claims, there are four grades of Federal courts. These are the *Supreme Court,* the *Circuit Courts of Appeals,* the *Circuit Courts,* and the *District Courts.* The trial of all crimes except in impeachment cases must be by jury.

(1) *The Court of Impeachment.* This consists of the Senate of the United States. The way in which impeachment

proceedings are brought and tried has been discussed in detail under the powers of Congress.

(2) *The Supreme Court.* No particular number of judges is prescribed in the Constitution for the Supreme Court. This detail, together with the place and time of its sessions, has been provided for by Congress. There are nine *Justices,* one of whom is the *Chief Justice.* Each is appointed by the President, with the consent of the Senate. The Supreme Court sits at Washington, where its annual session begins on the second Monday in October. The compensation of a judge of the Supreme Court is twelve thousand five hundred dollars.

The Supreme Court has appellate jurisdiction, except in cases that affect ambassadors, other public ministers, and consuls, and cases to which a State is a party. In such cases it has original jurisdiction.

(3) *Circuit Courts of Appeal.* There are nine of these, each consisting of three judges, two of whom form a quorum. A Circuit Court of Appeals is held by one Justice of the Supreme Court, assisted by two Circuit Judges. A District Judge may also sit in this court, but no Circuit or District Judge may take part in the hearing of an appeal in a case that he himself has previously tried. In cases arising under the revenue, patent and copyright laws, or involving less than five thousand dollars, the decision of this court is final.

(4) *Circuit Courts.* The United States is divided into nine judicial circuits. In each of these a Justice of the Supreme Court must attend at least one term in every two years. Two or more Circuit Judges are also appointed for each circuit. Either a Justice of the Supreme Court, a Circuit Judge, or a District Judge, sitting alone, may hold this court, or two of these judges may sit together. Suits that involve a value of not less than five hundred dollars and cases that

arise under the patent and copyright laws may originate in a Circuit Court. The salary of a Circuit Judge is seven thousand dollars.

(5) *District Courts.* There are seventy-three judicial districts in the United States, in each of which there is a District Judge. He must be a resident of the district in which he holds court. Each State contains at least one district, and some of the larger States, two or more, New York having no less than four. The jurisdiction of a District Court covers various civil actions that may arise under the Federal statutes, and all crimes against the laws of the United States, except such as are punishable by death. Appeals from both District and Circuit Courts are taken either to a Circuit Court of Appeals or to the Supreme Court.

The following cases must be taken to the Supreme Court on appeal: Such as involve the interpretation of the Constitution as applied to their decision; such as involve the constitutionality of either a State or a Federal law; such as depend upon the construction of a treaty; and criminal actions involving the punishment of high crimes or the infliction of the death penalty.

(6) *The Court of Claims.* Five judges of the Court of Claims are appointed in the same manner as other Federal judges. One of these sits as chief justice of the court. The jurisdiction of the Court of Claims extends over all cases that involve claims against the government. Suit may be brought in an ordinary way. After hearing each case, the court reports its decision to Congress, which may thereupon make an appropriation for its settlement. Congress is not, however, bound in any way by the decisions of the Court of Claims, and may act independently of them. There is, in fact, no way in which judgment can be compelled in such cases. Many of the States

have courts of similar jurisdiction. Appeals from the decisions of the Federal Court of Claims are taken to the Supreme Court.

UNITED STATES COURT OFFICERS.

United States Commissioners are appointed in each circuit by the Circuit Court. Their duties are to assist the Circuit and District Judges by administering oaths, examining and committing for trial offenders in criminal actions, and examining witnesses.

A *United States District Attorney* is appointed by the President for each judicial district. He is charged with the duty of prosecuting offenders against the laws of the United States within his district.

United States Marshals are also appointed by the President, one for each district. The duties of a marshal are to make arrests, and to carry out the mandates of the court to which he is attached. He may summon any citizen to aid him in the performance of his duty, and may in an emergency call upon the President for the aid of the United States military forces. A marshal has authority to appoint deputies.

Each Federal court appoints a *clerk,* who performs the ordinary duties that devolve upon his position.

CRIMES AGAINST FEDERAL LAWS.

The gravest crime that can be committed against the laws of the land is *treason.* The definition of this crime is found in the Constitution, which says: "Treason against the United States shall consist only in levying war against them or in adherence to their enemies, giving them aid and comfort."

APPENDIX.

CONSTITUTION OF THE UNITED STATES OF AMERICA.

We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE 1. Section 1. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 2.—1. The House of Representatives shall be composed of members chosen every second year by the people of the several States; and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

2. No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

3. Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three; Massachusetts, eight; Rhode Island and Providence Plantations, one; Connecticut,

five; New York, six; New Jersey, four; Pennsylvania, eight; Delaware, one; Maryland, six; Virginia, ten; North Carolina, five; South Carolina, five; and Georgia, three.

4. When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

5. The House of Representatives shall choose their Speaker and other officers, and shall have the sole power of impeachment.

Section 3.—1. The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof, for six years; and each Senator shall have one vote.

2. Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be, into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one third may be chosen every second year; and if vacancies happen, by resignation or otherwise, during the recess of the legislature of any State, the Executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

3. No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

4. The Vice-President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

5. The Senate shall choose their other officers, and also a president pro tempore, in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

6. The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two thirds of the members present.

7. Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit, under the United States; but the party con-

victed shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law.

Section 4.—1. The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may, at any time, by law, make or alter such regulations, except as to the places of choosing Senators.

2. The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

Section 5.—1. Each House shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members in such manner and under such penalties as each House may provide.

2. Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two thirds, expel a member.

3. Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either House, on any question, shall, at the desire of one fifth of those present, be entered on the journal.

4. Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

Section 6. 1. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States. They shall, in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place.

2. No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the *United States* which shall have been created, or the emoluments *whereof shall* have been increased, during such time; and no person

holding any office under the United States shall be a member of either House during his continuance in office.

Section 7.—1. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments, as on other bills.

2. Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it with his objections to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress, by their adjournment, prevent its return, in which case it shall not be a law.

3. Every order, resolution, or vote ,to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States, and before the same shall take effect shall be approved by him, or, being disapproved by him, shall be re-passed by two thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

Section 8.—The Congress shall have power—

1. To lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States;

2. To borrow money on the credit of the United States;

3. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes;

4. To *establish a uniform* rule of naturalization, and uniform laws *on the subject of bankruptcies* throughout the United States;

victed shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law.

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2. Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two thirds, expel a member.

3. Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either House, on any question, shall, at the desire of one fifth of those present, be entered on the journal.

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2. No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the *United States* which shall have been created, or the emoluments *whereof shall* have been increased, during such time; and no person

holding any office under the United States shall be a member of either House during his continuance in office.

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3. Every order, resolution, or vote ,to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States, and before the same shall take effect shall be approved by him, or, being disapproved by him, shall be re-passed by two thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

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2. To borrow money on the credit of the United States;

3. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes;

4. To *establish a uniform* rule of naturalization, and uniform laws *on the subject of bankruptcies* throughout the United States;

ARTICLE 11. Section 1.—1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice-President, chosen for the same term, be elected as follows:

2. Each State shall appoint, in such manner as the legislature thereof may direct, a number of Electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States shall be appointed an Elector.

Clause 3 has been superseded by the 12th Article of Amendments.

4. The Congress may determine the time of choosing the Electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

5. No person, except a natural-born citizen, or a citizen of the United States at the time of the adoption of he Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

6. In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of said office, the same shall devolve on the Vice-President; and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed or a President shall be elected.

7. The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

8. Before he enter on the execution of his office, he shall take the following oath or affirmation:

"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my *ability, preserve,* protect, and defend the Constitution of the United *States.*"

Section 2.—1. The President shall be commander-in-chief of the army and navy of the United States, and of the militia of the several States when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

2. He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers as they think proper, in the President alone, in the Courts of law, or in the heads of Departments.

3. The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

Section 3.—He shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

Section 4.—The President, Vice-President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

ARTICLE III. Section 1.—The judicial power of the United States shall be vested in one Supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The *judges, both of the Supreme* and inferior Courts, shall hold their *offices during good behavior*, and shall, at stated times, receive [illegible]

their services a compensation which shall not be diminished during their continuance in office.

Section 2.—1. The judicial power shall entend to all cases in law and equity arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting Ambassadors, other public Ministers, and Consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States; and between a State, or the citizens thereof, and foreign states, citizens, or subjects.

2. In all cases affecting Ambassadors, other public Ministers, and Consuls, and those in which a State shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

3. The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

Section 3.—1. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

2. The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

ARTICLE IV. Section 1.—Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

Section 2.—1. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

2. A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

3. No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

Section 3.—1. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned as well as of the Congress.

2. The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States or of any particular State.

Section 4.—The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and, on application of the legislature, or of the Executive (when the legislature can not be convened) against domestic violence.

ARTICLE V.—The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing Amendments, which, in either case, shall be valid to all intents and purposes as part of this Constitution, when ratified by the legislatures of three fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress: provided, that no Amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI.—1. All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution as under the Confederation.

2. This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding.

3. The Senators and Representatives before mentioned, and the members of the several State legislatures ,and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII.—The ratification of the Conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

AMENDMENTS TO THE CONSTITUTION.

ARTICLE I.—Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

ARTICLE II.—A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

ARTICLE III.—No soldier shall ,in time of peace, be quartered in any house without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

ARTICLE IV.—The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V.—No person shall be held to answer for a capital or *otherwise infamous* crime, unless on a presentment or indictment of

a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

ARTICLE VI.—In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

ARTICLE VII.—In suits at common law where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

ARTICLE VIII.—Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX.—The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

ARTICLE X.—The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

ARTICLE XI.—The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign state.

ARTICLE XII.—The electors shall meet in their respective States and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall *make distinct* lists of all persons voted for as President, *and of all persons* voted for as Vice-President, and of the num-

ber of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice-President shall be the Vice-President, if such number be a majority of the whole number of Electors appointed; and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

ARTICLE XIII.—1. Neither Slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

2. Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XIV.—1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State derive

any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of Electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

3. No person shall be a Senator or Representative in Congress, or Elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two thirds of each House, remove such disability.

4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

ARTICLE XV.—1. The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude.

2. The Congress shall have power to enforce this article by appropriate legislation.

THE CONSTITUTION OF NEW YORK STATE.

We, the People of the State of New York, grateful to Almighty God for our Freedom, in order to secure its blessings, do establish this Constitution.

ARTICLE 1.

Section 1. No member of this State shall be disfranchised, or deprived of any of the rights or privileges secured to any citizen thereof, unless by the law of the land, or the judgment of his peers.

§2. The trial by jury in all cases in which it has been heretofore used shall remain inviolate forever; but a jury trial may be waived by the parties in all civil cases in the manner to be prescribed by law.

§3. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed in this State to all mankind; and no person shall be rendered incompetent to be a witness on account of his opinions on matters of religious belief; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this State.

§4. The privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require its suspension.

§5. Excessive bail shall not be required nor excessive fines imposed, nor shall cruel and unusual punishments be inflicted, nor shall witnesses be unreasonably detained .

§6. No person shall be held to answer for a capital or otherwise infamous crime (except in cases of impeachment, and in cases of militia when in actual service, and the land and naval forces in time of war, or which this State may keep with the consent of Congress in time of peace, and in cases of petit larceny, under the regulation of the Legislature), unless on presentment or indictment of a grand jury, and in

any trial in any court whatever the party accused shall be allowed to appear and defend in person and with counsel as in civil actions. No person shall be subject to be twice put in jeopardy for the same offense; nor shall he be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty or property without due process of law; nor shall private property be taken for public use without just compensation.

§7. When private property shall be taken for any public use, the compensation to be made therefor, when such compensation is not made by the State, shall be ascertained by a jury, or by not less than three commissioners appointed by a court of record, as shall be prescribed by law. Private roads may be opened in the manner to be prescribed by law; but in every case the necessity of the road and the amount of all damage to be sustained by the opening thereof shall be first determined by a jury of freeholders, and such amount, together with the expenses of the proceding, shall be paid by the person to be benefited. General laws may be passed permitting the owners or occupants of agricultural lands to construct and maintain for the drainage thereof, necessary drains, ditches and dykes upon the lands of others ,under proper restrictions and with just compensation, but no special laws shall be enacted for such purposes.

§8. Every citizen may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions or indictments for libels, the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact.

§9. No law shall be passed abridging the right of the people peaceably to assemble and to petition the government, or any department thereof; nor shall any divorce be granted otherwise than by due judicial proceedings; nor shall any lottery or the sale of lottery tickets, pool-selling, book-making, or any other kind of gambling hereafter be authorized or allowed within this State; and the Legislature shall pass appropriate laws to prevent offenses against any of the provisions of this section.

§10. The people of this State, in their right of sovereignty, are deemed to possess the original and ultimate property in and to all lands within the jurisdiction of the State; and all lands the title to which shall fail, from a defect of heirs, shall revert, or escheat to the people.

§11. All feudal tenures of every description, with all their incidents, are declared to be abolished, saving however, all rents and services certain which at any time heretofore have been lawfully created or reserved.

§12. All lands within this State are declared to be allodial, so that, subject only to the liability to escheat, the entire and absolute property is vested in the owners, according to the nature of their respective estates.

§13. No lease or grant of agricultural land, for a longer period than twelve years, hereafter made, in which shall be reserved any rent or service of any kind, shall be valid.

§14. All fines, quarter-sales, or other like restraints upon alienation, reserved in any grant of land hereafter to be made, shall be void.

§15. No purchase or contract for the sale of lands in this State, made since the fourteenth day of Ocetober, one thousand seven hundred and seventy-five; or which may hereafter be made, of, or with the Indians, shall be valid ,unless made under the authority, and with the consent of the Legislature.

§16. Such parts of the common law, and of the acts of the Legislature of the colony of New York, as together did form the law of the said colony, on the nineteenth day of April, one thousand seven hundred and seventy-five, and the resolutions of the Congress of the said colony, and of the convention of the State of New York; in force on the twentieth day of April, one thousand seven hundred and seventy-seven, which have not since expired ,or been repealed or altered; and such acts of the Legislature of this State as are now in force, shall be and continue the law of the State, subject to such alterations as the Legislature shall make concerning the same. But all such parts of the common law, and such of the said acts, or parts thereof, as are repugnant to this Constitution, are hereby abrogated.

§17. All grants of land within this State, made by the king of Great Britain, or persons acting under his authority, after the fourteenth day of October, one thousand seven hundred and seventy-five, shall be *null and void;* but nothing contained in this Constitution shall affect

any grants of land within this State, made by the authority of the said king or his predecessors, or shall annul any charters to bodies politic and corporate, by him or them made, before that day; or shall affect any such grants or charters since made by this State, or by persons acting under its authority; or shall impair the obligation of any debts, contracted by the State or individuals, or bodies corporate, or any other rights of property, or any suits, actions, rights of action, or other proceedings in courts of justice.

§18. The right of action now existing to recover damages for injuries resulting in death, shall never be abrogated; and the amount recoverable shall not be subject to any statutory limitation.

ARTICLE II.

Section 1. Every male citizen of the age of twenty-one years, who shall have been a citizen for ninety days, and an inhabitant of this State one year next preceding an election, and for the last four months a resident of the county and for the last thirty days a resident of the election district in which he may offer his vote, shall be entitled to vote at such election in the election district of which he shall at the time be a resident, and not elsewhere, for all officers that now are or hereafter may be elcted by the people; and upon all questions which may be submitted to the vote of the people, provided that in time of war no elector in the actual military service of the State, or of the United States, in the army or navy thereof, shall be deprived of his vote by reason of his absence from such election district; and the Legislature shall have power to provide the manner in which and the time and place at which such absent electors may vote, and for the return and canvass of their votes in the election district in which they respectively reside.

§2. No person who shall receive, accept, or offer to receive, or pay, offer or promise to pay, contribute, offer or promise to contribute to another, to be paid or used, any money or other valuable thing as a compensation or reward for the giving or withholding a vote at an election, or who shall make any promise to influence the giving or withholding of such vote, or who shall make or become directly or indirectly interested in any bet or wager depending upon the result of any election, shall vote at such election; and upon challenge for such cause, the person so challenged, before the officers authorized for that

purpose shall receive his vote, shall swear or affirm before such officers that he has not received or offered, does not expect to receive, has not paid, offered or promised to pay, contributed, offered or promised to contribute to another, to be paid or used, any money or other valuable thing as a compensation or reward for the giving or withholding a vote at such election, and has not made any promise to influence the giving or withholding of any such vote, nor made or become directly or indirectly interested in any bet or wager depending upon the result of such election. The Legislature shall enact laws excluding from the right of suffrage all persons convicted of bribery or of any infamous crime.

§3. For the purpose of voting, no person shall be deemed to have gained or lost a residence, by reason of his presence or absence, while employed in the service of the United States; nor while engaged in the navigation of the waters of this State, or of the United States, or of the high seas; nor while a student of any seminary of learning; nor while kept at any almshouse ,or other asylum, or institution wholly or partly supported at public expense or by charity; nor while confined in any public prison.

§4. Laws shall be made for ascertaining, by proper proofs, the citizens who shall be entitled to the right of suffrage hereby established, and for the registration of voters; which registration shall be completed at least ten days before said election. Such registration shall not be required for town and village elections except by express provision of law. In cities and villages having five thousand inhabitants or more, according to the last preceding State enumeration of inhabitants, voters shall be registered upon personal application only; but voters not residing in such cities or villages shall not be required to apply in person for registration at the first meeting of the officers having charge of the registry of voters.

§5. All elections by the citizens, except for such town officers as may by law be directed to be otherwise chosen, shall be by ballot, or by such other method as may be prescribed by law, provided that secrecy in voting shall be preserved.

§6. All laws creating, regulating or affecting boards of officers charged with the duty of registering voters, or of distributing ballots at the polls to voters, or of receiving, recording or counting votes at elections, shall secure equal representation of the two political parties which, at the general election next preceding that for which such

boards or officrs are to serve, cast the highest and the next highest number of votes. All such boards and officers shall be appointed or elected in such manner, and upon the nomination of such representatives of said parties respectively, as the Legislature may direct. Existing laws on this subject shall continue until the Legislature shall otherwise provide. This section shall not apply to town meetings, or to village elections.

ARTICLE III.

Section 1. The legislative power of this State shall be vested in the Senate and Assembly.

§2. The Senate shall consist of fifty members, except as hereinafter provided. The senators elected in the year one thousand eight hundred and ninety-five shall hold their offices for three years, and their successors shall be chosen for two years. The Assembly shall consist of one hundred and fifty members, who shall be chosen for one year.

§3. The State shall be divided into fifty districts to be called senate districts, each of which shall choose one senator. The districts shall be numbered from one to fifty, inclusive.

District number one (1) shall consist of the counties of Suffolk and Richmond.

District number two (2) shall consist of the county of Queens.

District number three (3) shall consist of that part of the county of Kings comprising the first, second, third, fourth, fifth and sixth wards of the city of Brooklyn.

District number four (4) shall consist of that part of the county of Kings comprising the seventh, thirteenth, nineteenth and twenty-first wards of the city of Brooklyn.

District number five (5) shall consist of that part of the county of Kings comprising the eighth, tenth, twelfth and thirtieth wards of the city of Brooklyn, and the ward of the city of Brooklyn which was formerly the town of Gravesend.

District number six (6) shall consist of that part of the county of Kings comprising the ninth, eleventh, twentieth and twenty-second wards of the city of Brooklyn.

District number seven (7) shall consist of that part of the county of Kings comprising the fourteenth, fifteenth, sixteenth and seventeenth wards of the city of Brooklyn.

District number eight (8) shall consist of that part of the county of Kings comprising the twenty-third, twenty-fourth, twenty-fifth and twenty-ninth wards of the city of Brooklyn, and the town of Flatlands.

District number nine (9) shall consist of that part of the county of Kings comprising the eighteenth, twenty-sixth, twenty-seventh and twenty-eighth wards of the city of Brooklyn.

District number ten (10) shall consist of that part of the county of New York within and bounded by a line beginning at Canal street and the Hudson river, and running thence along Canal street, Hudson street, Dominick street, Varick street, Broome street, Sullivan street, Spring street, Broadway, Canal street ,the Bowery, Division street, Grand street, and Jackson street, to the East river and thence around the southern end of Manhattan island, to the place of beginning, and also Governor's, Bedloe's and Ellis islands.

District number eleven (11) shall consist of that part of the county of New York lying north of district number ten, and within and bounded by a line beginning at the junction of Broadway and Canal street, and running thence along Broadway, Fourth street, the Bowery and Third avenue, St. Marks place, Avenue A, Seventh street, Avenue B, Clinton street, Rivington street, Norfolk street, Division street, Bowery and Canal street, to the place of beginning.

District number twelve (12) shall consist of that part of the county of New York lying north of districts numbers ten and eleven, and within and bounded by a line beginning at Jackson street, and the East river, and running thence through Jackson street, Grand street, Division street, Norfolk street, Rivington street, Clinton street, Avenue B, Clinton street, Rivington street, Norfolk street, Division street, Fourteenth street to the East river, and along the East river, to the place of beginning.

District number thirteen (13) shall consist of that part of the county of New York lying north of district number ten, and within and bounded by a line beginning at the Hudson river at the foot of Canal street, and running thence along Canal street, Hudson street, Dominick street, Varick street, Broome street, Sullivan street, Spring *street, Broadway,* Fourth street, the Bowery and Third avenue, Four*teenth street,* Seventh avenue, West Fortieth street, Eighth avenue. *West Nineteenth* street, Eighth avenue, West Twentieth street, and *he Hudson river,* to the place of beginning.

District number fourteen (14) shall consist of that part of the county of New York lying north of districts numbers twelve and thirteen, and within and bounded by a line beginning at East Fourteenth street and the East river, and running thence along East Fourteenth street, Irving place, East Nineteenth street, Third avenue, East Twenty-third street, Lexington avenue, East Fifty-third street, Third avenue, East Fifty-second street, and the East river, to the place of beginning.

District number fifteen (15) shall consist of that part of the county of New York lying north of district number thirteen, and within and bounded by a line beginning at the junction of West Fourteenth street and Sixth avenue, and running thence along Sixth avenue, West Fifteenth street, Seventh avenue, West Fortieth street, Eighth avenue, and the transverse road across Central park at Ninety-seventh street, Fifth avenue, East Ninety-sixth street, Lexington avenue, East Twenty-third street, Third avenue, East Nineteenth street, Irving place and Fourteenth street, to the place of beginning.

District number sixteen (16) shall consist of that part of the county of New York lying north of district number thirteen, and within and bounded by a line beginning at Seventh avenue and West Nineteenth street, and running thence along West Nineteenth street, the Hudson river, West Forty-sixth street, Tenth avenue, Eighth avenue, West Fortieth street and Seventh avenue, to the place of beginning.

District number seventeen (17) shall consist of that part of the county of New York lying north of district number sixteen, and within and bounded by a line beginning at the junction of Eighth avenue and West Forty-third street, and running thence along West Forty-third street, Tenth avenue, West Forty-sixth street, the Hudson river, West Eighty-ninth street, Tenth or Amstardam avenue, West Eighty-sixth street, Ninth or Columbus avenue, West Eighty-first street and Eighth avenue ,to the place of beginning.

District number eighteen (18) shall consist of that part of the county of New York lying north of district number fourteen, and within and bounded by a line beginning at the junction of East Fifty-second street, and the East river, and running thence along East Fifty-second street, Third avenue, East Fifty-third street, Lexington *avenue, East Eighty-fourth* street, Second avenue, East Eighty-third

street and the East river, to the place of beginning; and also Blackwell's Island.

District number nineteen (19) shall consist of that part of the county of New York lying north of district number seventeen, and within and bounded by a line beginning at West Eighty-ninth street and the Hudson river, and running thence along the Hudson river and Spuyten Duyvil creek around the northern end of Manhattan island; thence southerly along the Harlem river to the north end of Fifth avenue; thence along Fifth avenue, East One Hundred and Twenty-ninth street, Fourth or Park avenue, East One Hundred and Tenth street, Fifth avenue, the transverse road across Central park at Ninety-seventh street, Eighth avenue, West Eighty-first street, Ninth or Columbus avenue, West Eighty-sixth street, Tenth or Amsterdam avenue and West Eighty-ninth street, to the place of beginning.

District number twenty (20) shall consist of that part of the county of New York lying north of districts numbers eighteen and fifteen, and within and bounded by a line beginning at East Eighty-third street and the East river, running thence through East Eighty-third street, Second avenue, East Eighty-fourth street, Lexington avenue, East Ninety-sixth street, Fifth avenue, East One Hundred and Tenth street, Fourth or Park avenue, East One Hundred and Nineteenth street to the Harlem river, and along the Harlem and East rivers to the place of beginning; and also Randall's island and Ward's island.

All of the above districts in the county of New York bounded upon or along the boundary waters of the county, shall be deemed to extend to the county line.

District number twenty-one (21) shall consist of that part of the county of New York lying north of districts numbers nineteen and twenty, within and bounded by a line beginning at East One Hundred and Nineteenth street and the Harlem river, and running thence along East One Hundred and Nineteenth street, Fourth or Park avenue, One Hundred and Twenty-ninth street, Fifth avenue and the Harlem river, to the place of beginning; and all that part of the county of New York not hereinbefore described.

District number twenty-two (22) shall consist of the county of Westchester.

District number twenty-three (23) shall consist of the counties of *Orange and* Rockland.

District number twenty-four (24) shall consist of the countries of Dutchess, Columbia and Putnam.

District number twenty-five (25) shall consist of the counties of Ulster and Greene.

District number twenty-six (26) shall consist of the counties of Delaware, Chenango and Sullivan.

District number twenty-seven (27) shall consist of the counties of Montgomery, Fulton, Hamilton and Schoharie.

District number twenty-eight (28) shall consist of the counties of Saratoga, Schenectady and Washington.

District number twenty-nine (29) shall consist of the county of Albany.

District number thirty (30) shall consist of the county of Rensselaer.

District number thirty-one (31) shall consist of the counties of Clinton, Essex and Warren.

District number thirty-two (32) shall consist of the counties of St. Lawrence and Franklin.

District number thirty-three (33) shall consist of the counties of Otsego and Herkimer.

District number thirty-four (34) shall consist of the county of Oneida.

District number thirty-five (35) shall consist of the counties of Jefferson and Lewis.

District number thirty-six (36) shall consist of the county of Onondaga.

District number thirty-seven (37) shall consist of the counties of Oswego and Madison.

District number thirty-eight (38) shall consist of the counties of Broome, Cortland and Tioga.

District number thirty-nine (39) shall consist of the counties of Cayuga and Seneca.

District number forty (40) shall consist of the counties of Chemung, Tompkins and Schuyler.

District number forty-one (41) shall consist of the counties of Steuben and Yates.

District number forty-two (42) shall consist of the counties of Ontario and Wayne.

District number forty-three (43) shall consist of that part of the

county of Monroe comprising the towns of Brighton, Henrietta, Irondequoit, Mendon, Penfield, Perinton, Pittsford, Rush and Webster, and the fourth, sixth, seventh, eighth, twelfth, thirteenth, fourteenth, sixteenth, seventeenth and eighteenth wards of the city of Rochester, as at present constituted.

District number forty-four (44) shall consist of that part of the county of Monroe comprising the towns of Chili, Clarkson, Gates, Greece, Hamlin, Ogden, Parma, Riga, Sweden and Wheatland, and the first, second, third, fifth, ninth, tenth, eleventh, fifteenth, nineteenth and twentieth wards of the city of Rochester, as at present constituted.

District number forty-five (45) shall consist of the counties of Niagara, Genesee and Orleans.

District number forty-six (46) shall consist of the counties of Allegany, Livingston and Wyoming.

District number forty-seven (47) shall consist of that part of the county of Erie comprising the first, second, third, sixth, fifteenth, nineteenth, twentieth ,twenty-first, twenty-second, twenty-third and twenty-fourth wards of the city of Buffalo, as at present constituted.

District number forty-eight (48) shall consist of that part of the county of Erie comprising the fourth, fifth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth and sixteenth wards of the city of Buffalo as at present constituted.

District number forty-nine (49) shall consist of that part of the county of Erie comprising the seventeenth, eighteenth and twenty-fifth wards of the city of Buffalo, as at present constituted; and all the remainder of the said county of Erie not hereinbefore described.

District number fifty (50) shall consist of the counties of Chatauqua and Cattaraugus.

§4. An enumeration of the inhabitants of the State shall be taken under the direction of the Secretary of State, during the months of May and June, in the year one thousand nine hundred and five, and in the same months every tenth year thereafter; and the said districts shall be so altered by the Legislature at the first regular session after the return of every enumeration, that each senate district shall contain as nearly as may be an equal number of inhabitants, excluding *aliens, until* the return of another enumeration, and shall at all times *consist of contiguous* territory, and no county shall be divided in the *formation of* a senate district except to make two or more senate dis-

tricts wholly in such county. No town, and no block in a city inclosed by streets or public ways, shall be divided in the formation of senate districts; nor shall any district contain a greater excess in population over an adjoining district in the same county, than the population of a town or block therein adjoining such district. Counties, towns or blocks which, from their location, may be included in either of two districts, shall be so placed as to make said districts most nearly equal in number of inhabitants, excluding aliens.

No county shall have four or more senators unless it shall have a full ratio for each senator. No county shall have more than one-third of all the senators; and no two counties or the territory thereof as now organized, which are adjoining counties, or which are separated only by public waters, shall have more than one-half of all the senators.

The ratio for apportioning senators shall always be obtained by dividing the number of inhabitants, excluding aliens, by fifty, and the senate shall always be composed of fifty members, except that if any county having three or more senators at the time of any apportionment shall be entitled on such ratio to an additional senator or senators, such additional senator or senators shall be given to such county in addition to the fifty senators, and the whole number of senators shall be increased to that extent.

§5. The members of the Assembly shall be chosen by single districts and shall be apportioned by the Legislature at the first regular session after the return of every enumeration among the several counties of the State, as nearly as may be according to the number of their respective inhabitants, excluding aliens. Every county heretofore established and separately organized, except the county of Hamilton, shall always be entitled to one member of Assembly, and no county shall hereafter be erected unless its population shall entitle it to a member. The county of Hamilton shall elect with the county of Fulton, until the population of the county of Hamilton shall, according to the ratio, entitle it to a member. But the Legislature may abolish the said county of Hamilton and annex the territory thereof to some other county or counties.

The quotient obtained by dividing the whole number of inhabitants of the State, excluding aliens, by the number of members of assembly, *shall be the ratio of* apportionment, which shall be made as follows: *One member of assembly* shall be apportioned to every county, to

cluding Fulton and Hamilton as one county, containing not less than the ratio and one-half over. Two members shall be apportioned to every other county. The remaining members of assembly shall be apportioned to the counties having more than two ratios according to the number of inhabitants, excluding aliens. Members apportioned on remainders shall be apportioned to the counties having the highest remainders in the order thereof respectively. No county shall have more members of assembly than a county having a greater number of inhabitants, excluding aliens.

Until after the next enumeration, members of the Assembly shall be apportioned to the several counties as follows: Albany county, four members; Allegany county, one member; Broome county, two members; Cattaraugus county, two members; Cayuga county, two members; Chautauqua county, two members, Chemung county, one member; Chenango county, one member, Clinton county, one member; Columbia county, one member; Cortland county, one member; Delaware county, one member; Dutchess county, two members; Erie county, two members; Otsego county, one member; Putnam county, one member; Fulton and Hamilton counties, one member; Genesee county, one member; Greene county, one member; Herkimer county, one member; Jefferson county, two members; Kings county, twenty-one members; Lewis county, one member; Livingston county, one member; Madison county, one member; New York county, thirty-five members; Niagara county, two members; Oneida county, three members; Onondaga county, four members; Ontario county, one member; Orange county, two members; Orleans county, one member; Oswego county, two members; Otsego county, one member; Putnam county, one member; Queens county, three members; Rensselaer county, three members; Richmond county, one member; Rockland county, one member; St. Lawrence County, two members; Saratoga county, one member; Schenectady county, one member; Schoharie county, one member; Schuyler county, one member; Seneca county, one member; Steuben county, two members; Suffolk county, two members; Sullivan couney, one member; Tioga county, one member; Tompkins county, one member; Ulster county, two members; Warren county, one member; Washington county, one member; Wayne county, one member; Westchester county, three members; Wyoming county, one member, and Yates county, one member.

In any county entitled to more than one member, the board of su-

pervisors, and in any city embracing an entire county and having no board of supervisors, the common council, or if there be none, the body exercising the powers of a common council, shall assemble on the second Tuesday of June, one thousand eight hundred and ninety-five, and at such times as the Legislature making an apportionment shall prescribe, and divide such counties into assembly districts as nearly equal in number of inhabitants, excluding aliens, as may be, of convenient and contiguous territory in as compact form as practicable, each of which shall be wholly within a senate district formed under the same apportionment, equal to the number of members of assembly to which such county shall be entitled, and shall cause to be filed in the office of the Secretary of State and of the clerk of said county, a description of such districts, specifying the number of each district and of the inhabitants thereof, excluding aliens, according to the last preceding enumeration; and such apportionment and districts shall remain unaltered until another enumeration shall be made, as herein provided; but said division of the city of Brooklyn and the county of Kings to be made on the second Tuesday of June, one thousand eight hundred and ninety-five ,shall be made by the common council of the said city and the board of supervisors of said county, assembled in joint session. In counties having more than one senate district, the same number of assembly districts shall be put in each senate district, unless the assembly districts cannot be evenly divided among the senate districts of any county, in which case one more assembly district shall be put in the senate district in such county having the largest, or one less assembly district shall be put in the senate district in such county having the smallest number of inhabitants, excluding aliens, as the case may require. No town, and no block in a city inclosed by streets or public ways, shall be divided in the formation of assembly districts, nor shall any district contain a greater excess in population over an adjoining district in the same senate district, than the population of a town or block therein adjoining such assembly district. Towns or blocks which, from their location, may be included in either of two districts, shall be so placed as to make said districts most nearly equal in number of inhabitants, excluding aliens; but in the division of cities under the first apportionment, regard shall be had to the number of inhabitants, excluding aliens, of the election districts according to the state enumeration of one thousand eight hundred and ninety-two, so far as may be, instead of blocks. Nothing

in this section shall prevent the division, at any time, of counties and towns, and the erection of new towns by the Legislature.

An apportionment by the Legislature, or other body, shall be subject to review by the Supreme Court, at the suit of any citizen, under such reasonable regulations as the Legislature may prescribe; and any court before which a cause may be pending involving an apportionment, shall give precedence thereto over all other causes and proceedings, and if said court be not in session it shall convene promptly for the disposition of the same.

§6. Each member of the Legislature shall receive for his services an annual salary of one thousand five hundred dollars. The members of either house shall receive the sum of one dollar for every ten miles they shall travel in going to and returning from their place of meeting, once in each session, on the most usual route. Senators, when the Senate alone is convened in extraordinary session, or when serving as members of the Court for the Trial of Impeachments, and such members of the Assembly, not exceeding nine in number, as shall be appointed managers of an impeachment, shall receive an additional allowance of ten dollars a day.

§7. No member of the Legislature shall receive any civil appointment within this State; or the Senate of the United States, from the Governor, the Governor and Senate, or from the Legislature, or from any city government, during the time for which he shall have been elected; and all such appointments and all votes given for any such member for any such office or appointment shall be void.

§8. No person shall be eligible to the Legislature who, at the time of his election, is, or within one hundred days previous thereto has been, a member of Congress, a civil or military officer under the United States, or an officer under any city government. And if any person shall, after his election as a member of the Legislature, be elected to Congress, or appointed to any office, civil or military, under the government of the United States, or under any city government, his acceptance thereof shall vacate his seat.

§9. The elections of senators and members of assembly, pursuant to the provisions of this Constitution, shall be held on the Tuesday succeeding the first Monday of November, unless otherwise directed *by the Legislature.*

§10. A majority of each house shall constitute a quorum to do business. *Each house* shall determine the rules of its own proceedings,

and be the judge of the elections, returns and qualifications of its own members; shall choose its own officers; and the Senate shall choose a temporary president to preside in case of the absence or impeachment of the Lieutenant-Governor, or when he shall refuse to act as president, or shall act as Governor.

§11. Each house shall keep a journal of its proceedings, and publish the same, except such parts as may require secrecy. The doors of each house shall be kept open, except when the public welfare shall require secrecy. Neither house shall, without the consent of the other, adjourn for more than two days.

§12. For any speech or debate in either house of the Legislature, the members shall not be questioned in any other place.

§13. Any bill may originate in either house of the Legislature, and all bills passed one house may be amended by the other.

§14. The enacting clause of all bills shall be "The People of the State of New York, represented in Senate and Assembly, do enact as follows," and no law shall be enacted except by bill.

§15. No bill shall be passed or become a law unless it shall have been printed and upon the desks of the members, in its final form, at least three calendar legislative days prior to its final passage, unless the Governor, or the acting Governor, shall have certified to the necessity of its immediate passage, under his hand and the seal of the State; nor shall any bill be passed or become a law, except by the assent of a majority of the members elected to each branch of the Legislature; and upon the last reading of a bill, no amendment thereof shall be allowed, and the question upon its final passage shall be taken immediately thereafter, and the yeas and nays entered on the journal.

§16. No private or local bill, which may be passed by the Legislature, shall embrace more than one subject, and that shall be expressed in the title.

§17. No act shall be passed which shall provide that any existing law, or part thereof, shall be made or deemed a part of said act, or which shall enact that any existing law, or part thereof, shall be applicable, except by inserting it in such act.

§18. The Legislature shall not pass a private or local bill in any of *the following cases:*

Changing the names of persons.

Laying out, opening, altering, working or discontinuing roads, highways or alleys, or for draining swamps or other low lands.

Locating or changing county seats.

Providing for changes of venue in civil or criminal cases.

Incorporating villages.

Providing for election of members of boards of supervisors.

Selecting, drawing, summoning or impaneling grand or petit jurors.

Regulating the rate of interest on money.

The opening and conducting of elections or designating places of voting.

Creating, increasing or decreasing fees, percentages or allowances of public officers, during the term for which said officers are elected or appointed.

Granting to any corporation, association or individual the right to lay down railroad tracks.

Granting to any private corporation, association or individual any exclusive privilege, immunity or franchise whatever.

Granting to any person, association, firm or corporation, an exemption from taxation on real or personal property.

Providing for building bridges, and chartering companies for such purposes, except on the Hudson river below Waterford, and on the East river, or over the waters forming part of the boundaries of the State.

The Legislature shall pass general laws providing for the cases enumerated in this section, and for all other cases which in its judgment, may be provided for by general laws. But no law shall authorize the construction or operation of a street railroad except upan the condition that the consent of the owners of one-half in value of the property bounded on, and the consent also of the local authorities having the control of that portion of a street or highway upon which it is proposed to construct or operate such railroad be first obtained, or in case the consent of such property owners cannot be obtained, the Appellate Division of the Supreme Court, in the department in which it is proposed to be constructed, may, upon application, appoint three commissioners who shall determine, after a hearing of all parties interested, whether such railroad ought to be constructed or operated, and their determination, confirmed by the court, may be taken in lieu *of the consent of* the property owners.

*§19. The Legislat*ure shall neither audit nor allow any private claim

or account against the State, but may appropriate money to pay such claims as shall have been audited and allowed according to law.

§20. The assent of two-thirds of the members elected to each branch of the Legislature shall be requisite to every bill appropriating the public moneys or property for local or private purposes.

§21. No money shall ever be paid out of the treasury of this State, or any of its funds, or any of the funds under its management, except in pursuance of an appropriation by law; nor unless such payment be made within two years next after the passage of such appropriation act; and every such law making a new appropriation, or continuing or reviving an appropriation, shall distinctly specify the sum appropriated, and the object to which it is to be applied; and it shall not be sufficient for such law to refer to any other law to fix such sum.

§22. No provision or enactment shall be embraced in the annual appropriation or supply bill, unless it relates specifically to some particular appropriation in the bill; and any such provision or enactment shall be limited in its operation to such appropriation.

§23. Sections seventeen and eighteen of this article shall not apply to any bill, or the amendments to any bill, which shall be reported to the Legislature by commissioners who have been appointed pursuant to law to revise the statutes.

§24. Every law which imposes, continues or revives a tax shall distinctly state the tax and the object to which it is to be applied, and it shall not be sufficient to refer to any other law to fix such tax or object.

§25. On the final passage, in either house of the Legislature, of any act which imposes, continues or revives a tax, or creates a debt or charge, or makes, continues or revives any appropriation of public or trust money or property, or releases, discharges or commutes any claim or demand of the State, the question shall be taken by yeas and nays, which shall be duly entered upon the journals, and three-fifths of all the members elected to either house shall, in all such cases, be necessary to constitute a quorum therein.

§26. There shall be in each county, except in a county wholly included in a city, a board of supervisors, to be composed of such members and elected *in such manner* and for such period as is or may be *provided by law. In a city* which includes an entire county, or two or *more entire counties, the* powers and duties of a board of supervisors

may be devolved upon the municipal assembly, common council, board of aldermen or other legislative body of the city.

§27. The Legislature shall, by general laws, confer upon the boards of supervisors of the several counties of the Senate such further powers of local legislation and administration as the Legislature may, from time to time deem expedient.

§28. The Legislature shall not, nor shall the common council of any city, nor any board of supervisors, grant any extra compensation to any public officer, servant, agent or contractor.

§29. The Legislature shall, by law, provide for the occupation and employment of prisoners sentenced to the several State prisons, penitentiaries, jails and reformatories in the State; and on and after the first day of January, in the year one thousand eight hundred and ninety-seven, no person in any such prison, penitentiary, jail or reformatory, shall be required or allowed to work, while under sentence thereto, at any trade, industry or occupation, wherein or whereby his work, or the product or the profit of his work, shall be farmed out, contracted, given or sold to any person, firm, association or corporation. This section shall not be construed to prevent the Legislature from providing that convicts may work for, and that the products of their labor may be disposed of to, the State, or any political division thereof, or for or to any public institution owned or managed and controlled by the State, or any political division thereof.

ARTICLE IV.

Section 1. The executive power shall be vested in a Governor, who shall hold his office for two years; a Lieutenant-Governor shall be chosen at the same time, and for the same term. The Governor and Lieutenant-Governor elected next preceding the time when this section shall take effect, shall hold office until and including the thirty-first day of December, one thousand eight hundred and ninety-six, and their successors shall be chosen at the general election in that year.

§2. No person shall be eligible to the office of Governor or Lieutenant-Governor, except a citizen of the United States, of the age of not less than thirty years, and who shall have been five years next preceding his election a resident of this State.

§3. The Governor and Lieutenant-Governor shall be elected at the *times and places* of choosing members of the Assembly. The persons

respectively having the highest number of votes for Governor and Lieutenant-Governor shall be elected; but in case two or more shall have an equal and the highest number of votes for Governor, or for Lieutenant-Governor, the two houses of the Legislature at its next annual session shall forthwith, by joint ballot, choose one of the said persons so having an equal and the highest number of votes for Governor or Lieutenant-Governor.

§4. The Governor shall be Commander-in-Chief of the military and naval forces of the State. He shall have power to convene the Legislature, or the Senate only, on extraordinary occasions. At extraordinary session no subject shall be acted upon, except such as the Governor may recommend for consideration. He shall communicate by message to the Legislature at every session the condition of the State, and recommend such matters to it as he shall judge expedient. He shall transact all necessary business with the officers of the government, civil and military. He shall expedite all such measures as may be resolved upon by the Legislature, and shall take care that the laws are faithfully executed. He shall receive for his services an annual salary of ten thousand dallars, and there shall be provided for his use a suitable and furnished executive residence.

§5. The Governor shall have the power to grant reprieves, commutation and pardons after conviction, for all offenses, except treason and cases of impeachment, upon such conditions and with such restrictions and limitations as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. Upon conviction for treason, he shall have power to suspend the execution of the sentence, until the case shall be reported to the Legislature at its next meeting, when the Legislature shall either pardon, or commute the sentence, direct the execution of the sentence, or grant a further reprieve. He shall annually communicate to the Legislature each case of reprieve, commutation or pardon granted, stating the name of the convict, the crime of which he was convicted, the sentence and its date, and the date of the commutation, pardon or reprieve.

§6. In case of the impeachment of the Governor, or his removal from office, death, inability to discharge the powers and duties of the said office, resignation, or absence from the State, the powers and duties of the office shall devolve upon the Lieutenant-Governor for the residue of the term, or until the disability shall cease. But when

the Governor shall, with the consent of the Legislature, be out of the State, in time of war, at the head of a military force thereof, he shall continue Commander-in-Chief of all the military forces of the State.

§7. The Lieutenant-Governor shall possess the same qualifications of eligibility for office as the Governor. He shall be president of the Senate, but shall have only a casting vote therein. If during a vacancy of the officer of Governor, the Lieutenant-Governor shall be impeached, displaced, resign, die, or become incapable of performing the duties of his office, or be absent from the State, the President of the Senate shall act as Governor until the vacancy be filled or the disability shall cease; and if the President of the Senate for any of the above causes shall become incapable of performing the duties pertaining to the office of Governor, the Speaker of the Assembly shall act as Governor until the vacancy is filled or the disability shall cease.

§8. The Lieutenant-Governor shall receive for his services an annual salary of five thousand dollars, and shall not receive or be entitled to any other compensation, fee or perquisite, for any duty or service he may be required to perform by the Constitution or by law.

§9. Every bill which shall have passed the Senate and Assembly shall, before it becomes a law, be presented to the Governor; if he approve, he shall sign it; but if not, he shall return it with his objections to the house in which it shall have originated, which shall enter the objections at large on the journal ,and proceed to reconsider it. If after such reconsideration, two-thirds of the members elected to that house shall agree to pass the bill, it shall be sent togther with the objections, to the other house, by which it shall likewise be reconsidered; and if approved by two-thirds of the members elected to that house, it shall become a law notwithstanding the objections of the Governor. In all such cases, the votes in both houses shall be determined by yeas and nays, and the names of the members voting shall be entered on the journal of each house respectively. If any bill shall not be returned by the Governor within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Legislature shall, by their adjournment, prevent its return, in which case it shall not become a law without the approval of the Governor. No bill shall become a law after the final adjournment of the Legislature, unless approved by the Governor within thirty days after such adjournment. If any bill presented to the Governor contain several items of appro-

pration of money, he may object to one or more of such items while approving of the other portion of the bill. In such case, he shall append to the bill, at the time of signing it, a statement of the items to which he objects; and the appropriation so objected to shall not take effect. If the Legislature be in session, he shall transmit to the house in which the bill originated a copy of such statement, and the items objected to shall be separately reconsidered. If on reconsideration one or more of such items shall be approved by two-thirds of the members elected to each house, the same shall be part of the law, notwithstanding the objections of the Governor. All the provisions of this section, in relation to bills not approved by the Governor, shall apply in cases in which he shall withhold his approval from any item or items contained in a bill appropriating money.

ARTICLE V.

Section 1. The Secretary of State, Comptroller, Treasurer, Attorney-General and State Engineer and Surveyor shall be chosen at a general election, at the times and places of electing the Governor and Lieutenant-Governor, and shall hold their offices for two years, except as provided in section two of this article. Each of the officers in this article named, except the Speaker of the Assembly, shall, at stated times during his continuance in office, receive for his services a compensation which shall not be increased or diminished during the term for which he shall have been elected; nor shall he receive to his use any fees or perquisites of office or other compensation. No person shall be elected to the office of State Engineer and Surveyor who is not a practical civil engineer.

§2. The first election of the Secretary of State, Comptroller, Treasurer, Attorney-General and State Engineer and Surveyor, pursuant to this article, shall be held in the year one thousand eight hundred and ninety-five, and their terms of office shall begin on the first day af January following, and shall be for three years. At the general election in the year one thousand eight hundred and ninety-eight, and every two years thereafter, their successors shall be chosen for the term of two years.

§3. A Superintendent of Public Works shall be appointed by the Governor, *by and with the* advice and consent of the Senate, and hold *his office until the end of* the term of the Governor by whom he was

nominated, and until his successor is appointed and qualified. He shall receive a compensation to be fixed by law. He shall be required by law to give security for the faithful execution of his office before entering upon the duties thereof. He shall be charged with the execution of all laws relating to the repair and navigation of the canals, and also of those relating to the construction and improvement of the canals, except so far as the execution of the laws relating to such construction or improvement shall be confided to the State Engineer and Surveyor; subject to the control of the Legislature, he shall make the rules and regulations for the navigation or use of the canals. He may be suspended or removed from office by the Governor, whenever, in his judgment, the public interest shall so require; but in case of the removal of such Superintendent of Public Works from office, the Governor shall file with the Secretary of State a statement of the cause of such removal, and shall report such removal and the cause thereof to the Legislature at its next session. The Superintendent of Public Works shall appoint not more than three assistant superintendents, whose duties shall be prescribed by him, subject to modification by the Legislature, and who shall receive for their services a compensation to be fixed by law. They shall hold their office for three years, subject to suspension or removal by the Superintendent of Public Works, whenever, in his judgment, the public interest shall so require. Any vacancy in the office of any such assistant superintendent shall be filled for the remainder of the term for which he was appointed by the Superintendent of Public Works; but in case of the suspension or removal of any such assistant superintendent by him, he shall at once report to the Governor, in writing, the cause of such removal. All other persons employed in the care and management of the canals, except collectors of tolls, and those in the department of the State Engineer and Surveyor, shall be appointed by the Superintendent of Public Works, and be subject to suspension or removal by him. The Superintendent of Public Works shall perform all the duties of the former Canal Commissioners and Board of Canal Commissioners, as now declared by law, unless otherwise provided by the Legislature. The Governor, by and with the advice and consent of the Senate, shall have power to fill vacancies in the office of Superintendent of Public Works; if the Senate be not in session, he may grant commissions which shall expire at the end of the next succeeding session of the *Senate.*

§4. A Superintendent of State Prisons shall be appointed by the Governor, by and with the advice and consent of the Senate, and hold his office for five years, unless sooner removeed; he shall give security in such amount and with such sureties as shall be required by law for the faithful discharge of his duties; he shall have the superintendence, management and control of State prisons, subject to such laws as now exist or may hereafter be enacted; he shall appoint the agents, wardens, physicians and chaplains of the prisons. The agent and warden of each prison shall appoint all other officers of such prison, except the clerk, subject to the approval of the same by the Superintendent. The Comptroller shall appoint the clerks of the prisons. The Superintendent shall have all the powers and perform all the duties not inconsistent herewith, which were formerly had and performed by the Inspectors of State Prisons. The Governor may remove the Superintendent for cause at any time, giving to him a copy of the charges against him, and an opportunity to be heard in his defense.

§5. The Lieutenant-Governor, Speaker of the Assembly, Secretary of State, Comptroller ,Treasurer, Attorney-General and State Engineer and Surveyor shall be the commissioners of the land office. The Lieutenant-Governor, Secretary of State, Comptroller, Treasurer and Attorney-General shall be the commissioners of the canal fund. The canal board shall consist of the commissioners of the canal fund, the State Engineer and Surveyor and the Superintendent of Public Works.

§6. The powers and duties of the respective boards, and of the several officers in this article mentioned, shall be such as now are or hereafter may be prescribed by law.

§7. The Treasurer may be suspended from office by the Governor, during the recess of the Legislature, and until thirty days after the commencement of the next session of the Legislature, whenever it shall appear to him that such Treasurer has, in any particular, violated his duty. The Governor shall appoint a competent person to discharge the duties of the office during such suspension of the Treasurer.

§8. All offices for the weighing, gauging, measuring, culling or inspecting any merchandise, product, manufacture or commodity whatever, are hereby abolished; and no such office shall hereafter be created by law; but nothing in this section cotained shall abrogate any office created for the purpose of protecting the public health or the interests of the State in its property, revenue, tolls or purchases, or of

supplying the people with correct standards of weights and measures, or shall prevent the creation of any office for such purposes hereafter.

§9. Appointments and promotions in the civil service of the State, and of all the civil divisions thereof, including cities and villages, shall be made according to merit and fitness to be ascertained, so far as practicable, by examinations, which, so far as practicable, shall be competitive; provided however, that honorably discharged soldiers and sailors from the army and navy of the United States in the late civil war, who are citizens and residents of this State, shall be entitled to preference in appointment and promotion, without regard to their standing on any list from which such appointment or promotion may be made. Laws shall be made to provide for the enforcement of this section.

ARTICLE VI.

Section 1. The Supreme Court is continued with general jurisdiction in law and equity, subject to such appellate jurisdiction of the Court of Appeals as now is or may be prescribed by law not inconsistent with this article. The existing judicial districts of the State are continued until changed as hereinafter provided. The Supreme Court shall consist of the Justices now in office, and of the Judges transferred thereto by the fifth section of this article, all of whom shall continue to be Justices of the Supreme Court during their respective terms, and of twelve additional Justices who shall reside in and be chosen by the electors of the several judicial districts, three in the first district, three in the second, and one in each of the other districts; and of their successors. The successors of said justices shall be chosen by the electors of their respective judicial districts. The Legislature may alter the judicial districts once after every enumeration under the Constitution of the inhabitants of the State, and thereupon reapportion the Justices to be thereafter elected in the districts so altered.

§2. The Legislature shall divide the State into four judicial departments. The first department shall consist of the county of New York; the others shall be bounded by county lines, and be compact and equal in population as nearly as may be. Once every ten years the Legislature may alter the judicial departments, but without increasing the number thereof. There shall be an appellate division of

the Supreme Court, consisting of seven justices in the first department, and five justices in each of the other departments. In each department four shall constitute a quorum, and the concurrence of three shall be necessary to a decision. No more than five justices shall sit in any case. From all the justices elected to the Supreme Court the Governor shall designate who shall constitute the appellate division in each department; and he shall designate the presiding justice thereof, who shall act as such during his term of office, and shall be a resident of the department. The other justices shall be designated for terms of five years or the unexpired portions of their respective terms of office, if less than five years. From time to time as the terms of such designations expire, or vacancies occur, he shall make new designations. A majority of the justices so designated to sit in the appellate division in each department shall be residents of the department. He may also make temporary designations in case of the absence or inability to act of any justice in the appellate division, or in case the presiding justice of any appellate division shall certify to him that one or more additional justices are needed for the speedy disposition of the business before it. Whenever the appellate division in any department shall be unable to dispose of its business within a reasonable time, a majority of the presiding justices of the several departments at a meeting called by the presiding justice of the department in arrears may transfer any pending appeals from such department to any other department for hearing and determination. No justice of the appellate division shall exercise any of the powers of a justice of the Supreme Court, other than those of a justice out of court, and those pertaining to the appellate division or to the hearing and decision of motions submitted by consent of counsel. From and after the last day of December, eighteen hundred and ninety-five, the appellate division shall have the jurisdiction now exercised by the Supreme Court at its general terms and by the general terms of the Court of Common Pleas for the city and county of New York, the Superior Court of the City of New York, the Superior Court of Buffalo and the city of Brooklyn, and such additional jurisdiction as may be conferred by the Legislature. It shall have power to appoint and remove a reporter. The justices of the appellate division in each department shall have power to fix the times and places for holding special and trial terms therein, and to assign the justices in the departments to hold such terms; or to make rules therefor.

§3. No Judge or Justice shall sit in the appellate division or in the Court of Appeals in review of a decision made by him or by any court of which he was at the time a sitting member. The testimony in equity cases shall be taken in like manner as in cases at law; and, except as herein otherwise provided, the Legislature shall have the same power to alter and regulate the jurisdiction and proceedings in law and in equity that it has heretofore exercised.

§4. The official terms of the Justices of the Supreme Court shall be fourteen years from and including the first day of January next after their election. When a vacancy shall occur otherwise than by expiration of term in the office of Justice of the Supreme Court the same shall be filled for a full term, at the next general election, happening not less than three months after such vacancy occurs; and, until the vacancy shall be so filled, the Governor by and with the advice and consent of the Senate, if the Senate shall be in session, or if not in session the Governor, may fill such vacancy by appointment, which shall continue until and including the last day of December next after the election at which the vacancy shall be filled.

§5. The Superior Court of the City of New York, the Court of Common Pleas for the City and County of New York, the Superior Court of Buffalo, and the City Court of Buffalo, are abolished from and after the first day of January, one thousand eight hundred and ninety-six and thereupon the seals, records, papers and documents of or belonging to such courts ,shall be deposited in the offices of the clerks of the several counties in which said courts now exist; and all actions and proceedings then pending in such courts shall be transferred to the Supreme Court for hearing and determination. The Judges of said courts in office on the first day of January, one thousand eight hundred and ninety-six, shall, for the remainder of the terms for which they were elected or appointed, be Justices of the Supreme Court; but they shall sit only in the counties in which they were elected or appointed. Their salaries shall be paid by the said counties respectively, and shall be the same as the salaries of the other Justices of the Supreme Court residing in the same counties. Their successors shall be elected as Justices of the Supreme Court by the electors of the judicial districts in which they respectively reside.

The jurisdiction now exercised by the several courts hereby abol*ished, shall be vested* in the Supreme Court. Appeals from inferior *and local courts* now heard in the Court of Common Pleas for the City

and County of New York and the Superior Court of Buffalo, shall be heard in the Supreme Court in such manner and by such Justice or Justices as the appellate divisions in the respective departments which include New York and Buffalo shall direct, unless otherwise provided by the Legislature.

§6. Circuit Courts and Courts of Oyer and Terminer are abolished from and after the last day of December, one thousand eight hundred and ninety-five. All their jurisdiction shall thereupon be vested in the Supreme Court, and all actions and proceedings then pending in such courts shall be transferred to the Supreme Court for hearing and determination. Any Justice of the Supreme Court, except as otherwise provided in this article, may hold court in any county.

§7. The Court of Appeals is continued. It shall consist of the chief judge and associate judges now in office, who shall hold their offices until the expiration of their respective terms, and their successors, who shall be chosen by the electors of the State. The official term of the chief judge and associate judges shall be fourteen years from and including the first day of January next after their election. Five members of the court shall form a quorum, and the concurrence of four shall be necessary to a decision. The court shall have power to appoint and remove its reporter, clerk and attendants. Whenever and as often as a majority of the Judges of the Court of Appeals shall certify to the Governor that said court is unable, by reason of the accumulation of causes pending therein, to hear and dispose of the same with reasonable speed, the Governor shall designate not more than four Justices of the Supreme Court to serve as associate Judges of Court of Appeals. The justices so designated shall be relieved from their duties as Justices of the Supreme Court and shall serve as Associate Judges of the Court of Appeals until the causes undisposed of in said court are reduced to two hundred, when they shall return to the Supreme Court. The Governor may designate Justices of the Supreme Court to fill vacancies. No justice shall serve as Associate Judge of the Court of Appeals except while holding the office of Justice of the Supreme Court, and no more than seven judges shall sit in any case.

§8. When a vacancy shall occur otherwise than by expiration of term, in the office of Chief or Associate Judge of the Court of Appeals, the same shall be filled, for a full term, at the next general election happening *not less than* three months after such vacancy occurs; and *until the vacancy shall* be so filled, the Governor, by and with the

advice and consent of the Senate, if the Senate shall be in session, or if not in session the Governor, may fill such vacancy by appointment. If any such appointment of Chief Judge shall be made from among the Associate Judges, a temporary appointment of Associate Judge shall be made in like manner; but in such case, the person appointed Chief Judge shall not be deemed to vacate his office of Associate Judge any longer than until the expiration of his appointment as Chief Judge. The powers and jurisdiction of the court shall not be suspended for want of appointment or election, when the number of judges is sufficient to constitute a quorum. All appointments under this section shall continue until and including the last day of December next after the election at which the vacancy shall be filled.

§9. After the last day of December, one thousand eight hundred and ninety-five, the jurisdiction of the Court of Appeals, except where the judgment is of death, shall be limited to the review of questions of law. No unanimous decision of the Appellate Division of the Supreme Court that there is evidence supporting or tending to sustain a finding of fact or a verdict not directed by the court, shall be reviewed by the Court of Appeals. Except where the judgment is death, appeals may be taken, as of right, to said court only from judgments or orders entered upon decisions of the Appellate Division of the Supreme Court, finally determining actions or special proceedings, and from orders granting new trials on exceptions, where the appellants stipulate that upon affirmance judgment absolute shall be rendered against them. The Appellate Division in any department may, however, allow an appeal upon any question of law which, in its opinion, ought to be reviewed by the Court of Appeals.

The Legislature may further restrict the jurisdiction of the Court of Appeals and the right of appeal thereto, but the right to appeal shall not depend upon the amount involved.

The provisions of this section shall not apply to orders made or judgments rendered by any General Term before the last day of December, one thousand eight hundred and ninety-five, but appeals therefrom may be taken under existing provisions of law.

§10. The Judges of the Court of Appeals and the Justices of the Supreme Court shall not hold any other office or public trust. All votes for any of them, for any other than a judicial office, given by *the Legislature* or the people, shall be void.

§11. Judges of the Court of Appeals and Justices of the Supreme

Court may be removed by concurrent resolution of both houses of the Legislature, if two-thirds of all the members elected to each house concur therein. All other judicial officers, except justices of the peace and judges or justices of inferior courts not of record, may be removed by the Senate, on the recommendation of the Governor, if two-thirds of all the members elected to the Senate concur therein. But no officer shall be removed by virtue of this section except for cause, which shall be entered on the journals, nor unless he shall have been served with a statement of the cause alleged, and shall have had an opportunity to be heard. On the question of removal, the yeas and nays shall be entered on the journal.

§12. The Judges and Justices hereinbefore mentioned shall receive for their services a compensation established by law, which shall not be increased or diminished during their official terms, except as provided in section five of this article. No person shall hold the office of Judge or Justice of any court longer than until and including the last day of December next after he shall be seventy years of age. No judge or justice elected after the first day of January, one thousand eight hundred and ninety-four, shall be entitled to receive any compensation after the last day of December next after he shall be seventy years of age; but the compensation of every Judge of the Court of Appeals or Justice of the Supreme Court elected prior to the first day of January, one thousand eight hundred and ninety-four, whose term of office has been, or whose present term of office shall be, so abridged, and who shall have served as such Judge or Justice ten years or more, shall be continued during the remainder of the term for which he was elected; but any such Judge or Justice may, with his consent, be assigned by the Governor from time to time, to any duty in the Supreme Court while his compensation is so continued.

§13. The Assembly shall have the power of impeachment, by a vote of a majority of all the members elected. The court for the trial of impeachments shall be composed of the President of the Senate, the Senators, or the major part of them, and the Judges of the Court of Appeals ,or the major part of them. On the trial of an impeachment against the Governor or Lieutenant-Governor, the Lieutenant-Governor shall not act as a member of the court. No judicial officer shall exercise his office, after articles of impeachment against him *shall have been preferred to* the Senate, until he shall have been acquitted. *Before the trial of* an impeachment the members of the

court shall take oath or affirmation truly and impartially to try the impeachment according to the evidence, and no person shall be convicted without the concurrence of two-thirds of the members present. Judgment in cases of impeachment shall not be extended further than to removal from office, or removal from office and disqualification to hold and enjoy any office of honor, trust or profit under this State; but the party impeached shall be liable to indictment and punishment according to law.

§14. The existing County Courts are continued, and the Judges thereof now in office shall hold their offices until the expiration of their respective terms. In the county of Kings there shall be two County Judges and the additional County Judge shall be chosen at the next general election held after the adoption of this article. The successors of the several County Judges shall be chosen by the electors of the counties for the term of six years. County Courts shall have the powers and jurisdiction they now possess, and also original jurisdiction in actions for the recovery of money only, where the defendants reside in the county, and in which the complaint demands judgment for a sum not exceeding two thousand dollars. The Legislature may hereafter enlarge or restrict the jurisdiction of the County Courts, provided, however, that their jurisdiction shall not be extended as to authorize an action therein for the recovery of money only, in which the sum demanded exceeds two thousand dollars, or in which any person not a resident of the county is a defendant.

Courts of Sessions, except in the county of New York ,are abolished from and after the last day of December, one thousand eight hundred and ninety-five. All the jurisdiction of the Court of Sessions in each county, except the county of New York, shall thereupon be vested in the County Court thereof, and all actions and proceedings then pending in such Courts of Sessions shall be transferred to said County Courts for hearing and determination. Every County Judge shall perform such duties as may be required by law. His salary shall be established by law, payable out of the county treasury. A County Judge of any county may hold County Courts in any other county when requested by the judge of such other county.

§15. The existing Surrogates' Courts are continued, and the Surrogates now in office shall hold their offices until the expiration of their terms. Their successors shall be chosen by the electors of their respective counties, and their terms of office shall be six years, except

in the county of New York, where they shall continue to be fourteen years. Surrogates and Surrogates' Courts shall have the jurisdiction and powers which the Surrogates and existing Surrogates' Courts now possess, until otherwise provided by the Legislature. The County Judge shall be Surrogate of his County, except where a separate Surrogate has been or shall be elected. In counties having a population exceeding forty thousand, wherein there is no separate Surrogate, the Legislature may provide for the election of a separate officer to be Surrogate ,whose term of office shall be six years. When the Surrogate shall be elected as a separate officer his salary shall be established by law, payable out of the county treasury. No County Judge or Surrogate shall hold office longer than until and including the last day of December next after he shall be seventy years of age. Vacancies occurring in the office of County Judge or Surrogate shall be filled in the same manner as like vacancies occurring in the Supreme Court. The compensation of any County Judge or Surrogate shall not be increased or diminshed during his term of office. For the relief of Surrogates' Courts the Legislature may confer upon the Supreme Court in any county having a population exceeding four hundred thousand, the powers and jurisdiction of Surrogates, with authority to try issues of fact by jury in probate cases.

§16. The Legislature may, on application of the board of supervisors, provide for the election of local officers, not to exceed two in any county, to discharge the duties of County Judge and of Surrogate, in case of their inability or of a vacancy, and in such other cases as may be provided by law, and to exercise such other powers in special cases as are or may be provided by law.

§17. The electors of the several towns shall, at their annual town meetings, or at such other time and in such manner as the Legislature may direct, elect Justices of the Peace, whose term of office shall be four years. In case of an election to fill a vacancy occurring before the expiration of a full term, they shall hold for the residue of the unexpired term. Their number and classification may be regulated by law. Justices of the Peace, and judges or justices of inferior courts not of record, and their clerks may be removed for cause, after due notice and an opportunity of being heard by such courts as are or may be prescribed by law. Justices of the Peace, and District Court Justices may be elected in the different cities of this State in such manner ,and with such powers ,and for such terms, respectively, as are or shall

shall be prescribed by law; all other judicial officers in cities, whose election or appointment is not otherwise provided for in this article, shall be chosen by the electors of such cities, or appointed by some local authorities thereof.

§18. Inferior local courts of civil and criminal jurisdiction may be established by the Legislature, but no inferior local court hereafter created shall be a court of record. The Legislature shall not hereafter confer upon any inferior or local court of its creation, any equity jurisdiction or any greater jurisdiction in other respects than is conferred upon County Courts by or under this article. Except as herein otherwise provided, all judicial officers shall be elected or appointed at such times and in such manner as the Legislature may direct.

§19. Clerks of the several counties shall be clerks of the Supreme Court, with such powers and duties as shall be prescribed by law. The Justices of the Appellate Division in each department shall have power to appoint and to remove a clerk, who shall keep his office at a place to be designated by said Justices. The Clerk of the Court of Appeals shall keep his office at the seat of government. The Clerk of the Court of Appeals and the Clerks of the Appellate Division shall receive compensation to be established by law and paid out of the public treasury.

§20. No judicial officer, except Justices of the Peace, shall receive to his own use any fees or perquisites of office; nor shall any Judge of the Court of Appeals, or Justice of the Supreme Court, or any County Judge or Surrogate hereafter elected in a county having a population exceeding one hundred and twenty thousand, practice as an attorney or counselor in any court of record of this State, or act as referee. The Legislature may impose a similar prohibition upon County Judges and Surrogates in other counties. No one shall be eligible to the office of Judge of the Court of Appeals, Justice of the Supreme Court, or, except in the county of Hamilton, to the office of County Judge or Surrogate, who is not an attorney and counselor of this State.

§21. The Legislature shall provide for the speedy publication of all statutes, and shall regulate the reporting of the decisions of the courts; but all laws and judicial decisions shall be free for publication by any person.

§22. Justices of the Peace and other local judicial officers provided *for in sections* seventeen and eighteen, in office when this article takes

effect, shall hold their office until the expiration of their respective terms.

§23. Courts of Special Sessions shall have such jurisdiction of offenses of the grade of misdemeanors as may be prescribed by law.

ARTICLE VII.

Section 1. The credit of the State shall not in any manner be given or loaned to or in aid of any individual, association or corporation.

§2. The State may, to meet the casual deficits or failures in revenues, or for expenses not provided for, contract debts; but such debts, direct or contingent, singly or in the aggregate, shall not at any time exceed one million of dollars; and the moneys arising from the loans creating such debts shall be applied to the purpose for which they were obtained, or to repay the debt so contracted, and to no other purpose whatever.

§4. Except the debts specified in sections two and three of this article, no debt shall be hereafter contracted by or on behalf of this State, unless such debt shall be authorized by a law, for some single work or object, to be distinctly specified therein; and such law shall impose and provide for the collection of a direct annual tax to pay, and sufficient to pay, the interest on such debt as it falls due, and also to pay and discharge the principle of such debt within eighteen years from the time of the contracting thereof. No such law shall take effect until it shall, at a general election, have been submitted to the people, and have received the majority of all the votes cast for and against it at such election. On the final passage of such bill in either house of the Legislature, the question shall be by ayes and noes, to be duly entered on the journals thereof, and shall be: "Shall the bill pass, and ought the same to receive the sanction of the people?"

The Legislature may at any time, after the approval of such law by the people, if no debt shall have been contracted in pursuance thereof, repeal the same; and may at any time, by law, forbid the contracting of any further debt or liability under such law; but the tax imposed by such act, in proportion to the debt and liability which may have been contracted, in pursuance of such law, shall remain in force and be irrepealable, and be annually collected, until the proceeds thereof shall have made the provision hereinbefore specified to pay and discharge the interest and principal of such debt and liability. The money arising

from any loan or stock creating such debt or liability shall be applied to the work or object specified in the act authorizing such debt or liadibity, or for the repayment of such debt or liability, and for no other purpose whatever. No such law shall be submitted to be voted on, within three months after its passage, or at any general election when any other law, or any bill, or any amendment to the Constitution, shall be submitted to be voted for or against.

§5. The sinking funds provided for the payment of interest and the extinguishment of the principal of the debts of the State shall be separately kept and safely invested, and neither of them shall be appropriated or used in any manner other than for the specific purpose for which it shall have been provided.

§6. Neither the Legislature, canal board, nor any person or persons acting in behalf of the State, shall audit, allow, or pay any claim which, as between citizens of the State, would be barred by a lapse of time. This provision shall not be construed to repeal any statute fixing the time within which claims shall be presented or allowed, nor shall it extend to any claims duly presented within the time allowed by law, and prosecuted with due diligence from the time of such presentment. But if the claimant shall be under legal disability, the claim may be presented within two years after such disability is removed.

§7. The lands of the State, now owned or hereafter acquired, constituting the forest preserve as now fixed by law, shall be forever kept as wild forest lands. They shall not be leased, sold or exchanged, or be taken by any corporation, public or private, nor shall the timber thereon be sold, removed or destroyed.

§8. The Legislature shall not sell, lease or otherwise dispose of the Erie canal, or the Black river canal; but they shall remain the property of the State and under its management forever. The prohibition of lease, sale or other disposition herein contained, shall not apply to the canal known as the Main and Hamburg street canal, situated in the city of Buffalo, and which extends easterly from the westerly line of Main street to the westerly line of Hamburg street. All funds that may be derived from any lease, sale or other disposition of any canal shall be applied to the improvement, superintendence or repair of the remaining portion of the canals.

§9. No tolls shall hereafter be imposed on persons or property transported on the canals ,but all boats navigating the canals, and the

owners and masters thereof, shall be subject to such laws and regulations as have been or may hereafter be enacted concerning the navigation of the canals. The Legislature shall annually, by equitable taxes, make provisions for the expenses of the superintendence and repairs of the canals. All contracts for work or materials on any canal shall be made with the persons who shall offer to do or provide the same at the lowest price, with adequate security for their performance. No extra compensation shall be made to any contractor; but if, from any unforeseen cause, the terms of any contract shall prove to be unjust and oppressive, the canal board may, upon the application of the contractor, cancel such contract.

§10. The canals may be improved in such manner as the Legislature shall provide by law. A debt may be authorized for that purpose in the mode prescribed by section four of this article, or the cost of such improvements may be defrayed by the appropriation of funds from the state treasury, or by equitable annual tax.

ARTICLE VIII.

Section 1. Corporations may be formed under general laws; but shall not be created by special act, except for municipal purposes, and in cases where, in the judgment of the Legislature, the objects of the corporation cannot be attained under general laws. All general laws and special acts passed pursuant to this section may be altered from time to time or repealed.

§2. Dues from corporations shall be secured by such individual liability of the corporators and other means as may be prescribed by law.

§3. The term corporations as used in this article shall be construed to include all associations and joint-stock companies having any of the powers or privileges of corporations not possessed by individuals or partnerships. And all corporations shall have the right to sue and shall be subject to be sued in all courts in like cases as natural persons.

§4. The Legislature shall, by general law, conform all charters of savings banks, or institutions for savings, to a uniformity of powers, rights and liabilities, and all charters hereafter granted for such corporations shall be made to conform to such general law, and to such amendments as may be made thereto. And no such corporation shall

have any capital stock, nor shall the trustees thereof, or any of them, have any interest whatever, direct or indirect, in the profits of such corporation; and no director or trustee of any such bank or institution shall be interested in any loan or use of any money or property of such bank or institution for savings. The Legislature shall have no power to pass any act granting any special charter for banking purposes; but corporations or associations may be formed for such purposes under general laws.

§5. The Legislature shall have no power to pass any law sanctioning in any manner, directly or indirectly, the suspension of specie payments, by any person, association or corporation, issuing bank notes of any description.

§6. The Legislature shall provide by law for the registry of all bills or notes, issued or put in circulation as money, and shall require ample security for the redemption of the same in specie.

§7. The stockholders of every corporation and joint-stock association for banking purposes, shall be individually responsible, to the amount of their respective share or shares of stock in any such corporation or association, for all its debts and liabilities of every kind.

§8. In case of the insolvency of any bank or banking association, the billholders thereof shall be entitled to preference in payment, over all other creditors of such bank or association.

§9. Neither the credit nor the money of the State shall be given or loaned to or in aid of any association, corporation or private undertaking. This section shall not, however, prevent the Legislature from making such provision for the education and support of the blind, the deaf and dumb, the juvenile delinquents, as to it may deem proper. Nor shall it apply to any fund or property now held, or which may hereafter be held, by the State for educational purposes.

§10. No county, city, town or village shall hereafter give any money or property, or loan its money or credit to or in aid of any individual, association or corporation, or become directly or indirectly the owner of stock in, or bonds of, any association or corporation; nor shall any such county, city, town or village be allowed to incur any indebtedness except for county, city, town or village purposes. This section shall not prevent such county, city, town or village from making such provision for the aid or support of its poor as may be authorized by law. No county or city shall be allowed to become indebted for any purpose or in any manner to an amount which, including existing in-

debtedness, shall exceed ten percentum of the assessed valuation of the real estate of said county or city subject to taxation, as it appeared by the assessment-rolls of said county or city on the last assessment for state or county taxes prior to the incurring of such indebtness; and all indebtedness in excess of such limitation, except such as may now exist, shall be absolutely void, except as herein otherwise provided. No county or city whose present indebtedness exceeds ten per centum of the assessed valuation of its real estate subject to taxation, shall be allowed to become indebted in any further amount until such indebtedness shall be reduced within such limit. This section shall not be construed to prevent the issuing of certificates of indebtedness or revenue bonds issued in anticipation of the collection of taxes for amounts actually contained, or to be contained in the taxes for the year when such certificates or revenue bonds are issued and payable out of such taxes. Nor shall this section be construed to prevent the issue of bonds to provide for the supply of water; but the term of the bonds issued to provide the supply of water shall not exceed twenty years and a sinking fund shall be created on the issuing of the said bonds for their redemption, by raising annually a sum which will produce an amount equal to the sum of the principal and interest of said bonds at their maturity. All certificates of indebtedness or revenue bonds issued in anticipation of the collection of taxes, which are not retired within five years after their date of issue, and bonds issued to provide for the supply of water, and any debt hereafter incurred by any portion or part of a city, if there shall be any such debt, shall be included in ascertaining the power of the city to become otherwise indebted. Whenever the boundaries of any city are the same as those of a county, or when any city shall include within its boundaries more than one county, the power of any county wholly included within such city to become indebted shall cease, but the debt of the county, heretofore existing shall not, for the purposes of this section, be reckoned as a part of the city debt. The amount hereafter to be raised by tax for county or city purposes, in any county containing a city of over one hundred thousand inhabitants, or any such city of this State, in addition to providing for the principal and interest of existing debt, shall not in the aggregate exceed in any one year two per centum of the assessed valuation of the real and personal estate of such county or city debt.

§11. The Legislature shall provide for a state board of charities.

which shall visit and inspect all institutions, whether state, county, municipal, incorporated or not incorporated, which are of a charitable, eleemosynary, correctional or reformatory character, excepting only such institutions as are hereby made subject to the visitation and inspection of either of the commissions hereinafter mentioned, but including all reformatories except those in which adult males convicted of felony shall be confined; a state commission in lunacy which shall visit and inspect all institutions, either public or private, used for the care and treatment of the insane (not including institutions for epileptics or idiots); a state commission of prisons which shall visit and inspect all institutions used for the detention of sane adults charged with or convicted of crime, or detained as witnesses or debtors.

§12. The members of the said board and of the said commissions shall be appointed by the Governor, by and with the advice and consent of the Senate; and any member may be removed from office by the Governor for cause, an opportunity having been given him to be heard in his defense.

§13. Existing laws relating to institutions referred to in the foregoing sections and to their supervision and inspection, in so far as such laws are not inconsistent with the provisions of the Constitution, shall remain in force until amended or repealed by the Legislature. The visitation and inspection herein provided for shall not be exclusive of other visitation and inspection now authorized by law.

§14. Nothing in this Constitution contained shall prevent the Legislature from making such provision for the education and support of the blind, the deaf and dumb, and juvenile delinquents, as to it may seem proper; or prevent any county, city, town or village from providing for the care, support, maintenance and secular education of inmates of orphan asylums, homes for dependent children or correctional and reformatory institutions, wholly or partly under private control, for care, support and maintenance, may be authorized, but shall not be required by the Legislature. No such payments shall be made for any inmate of such institutions who is not received and retained therein pursuant to rules established by the state board of charities. Such rules shall be subject to the control of the Legislature by general laws.

§15. Commissioners of the state board of charities and commissioners of the state commission in lunacy, now holding office, shall be

continued in office for the term for which they were appointed, respectively, unless the Legislature shall otherwise provide. The Legislature may confer upon the commissions and upon the board mentioned in the foregoing sections any additional powers that are not inconsistent with other provisions of the Constitution.

ARTICLE IX.

Section 1. The Legislature shall provide for the maintenance and support of a system of free common schools, wherein all the children of this State may be educated.

§2. The corporation created in the year one thousand seven hundred and eighty-four, under the name of The Regents of the University of the State of New York, is hereby continued under the name of The University of the State of New York. It shall be governed and its corporate powers, which may be increased, modified or diminished by the Legislature, shall be exercised by not less than nine regents.

§3. The capital of the common school fund, the capital of the literature fund, and the capital of the United States deposit fund, shall be respectively preserved inviolate. The revenue of the said common school fund shall be applied to the support of common schools; the revenue of the said literature fund shall be applied to the support of academies; and the sum of twenty-five thousand dollars of the revenues of the United States deposit fund shall each year be appropriated to and made part of the capital of the said common school fund.

§4. Neither the State nor any subdivision thereof, shall use its property or credit or any public money, or authorize or permit either to be used, directly or indirectly, in aid or maintenance, other than for examination or inspection, of any school or institution of learning wholly or in part under the control or direction of any religious denomination, or in which any denominational tenet or doctrine is taught.

ARTICLE X.

Section 1. Sheriffs, clerks of counties, district attorneys and registers in counties having registers, shall be chosen by the electors of the respective counties once in every three years, and as often as vacancies shall happen, except in the counties of New York and Kings,

and in counties whose boundaries are the same as those of a city, where such officers shall be chosen by the electors once in every two or four years as the Legislature shall direct. Sheriffs shall hold no other office and be ineligible for the next term after the termination of their offices. They may be required by law to renew their security, from time to time; and in default of giving such new security, their offices shall be deemed vacant. But the county shall never be made responsible for the acts of the sheriff. The Governor may remove any officer, in this section mentioned, within the term for which he shall have been elected; giving to such officer a copy of the charges against him, and an opportunity of being heard in his defense.

§2. All county officers whose election or appointment is not provided for by this Constitution, shall be elected by the electors of the respective counties or appointed by the boards of supervisors, or other county authorities, as the Legislature shall direct. All city, town and village officers, whose election or appointment is not provided for by this Constitution, shall be elected by the electors of such cities, towns and villages, or of some division thereof, or appointed by such authorities thereof, as the Legislature shall designate for that purpose. All other officers, whose election or appointment is not provided for by this Constitution, and all officers, whose offices may hereafter be created by law, shall be elected by the people, or appointed, as the Legislature may direct.

§3. When the duration of any office is not provided by this Constitution it may be declared by law, and if not so declared, such office shall be held during the pleasure of the authority making the appointment.

§4. The time of electing all officers named in this article shall be prescribed by law.

§5. The Legislature shall provide for filling vacancies in office, and in case of elective officers, no person appointed to fill a vacancy shall hold his office by virtue of such appointment longer than the commencement of the political year next succeeding the first annual election after the happening of the vacancy.

§6. The political year and legislative term shall begin on the first day of January; and the Legislature shall, every year, assemble on the first Wednesday in January.

§7. Provision shall be made by law for the removal for misconduct or malversion in office of all officers, except judicial, whose powers and

duties are not local or legislative and who shall be elected at general elections, and also for supplying vacancies created by such removal.

§8. The Legislature may declare the cases in which any office shall be deemed vacant when no provision is made for that purpose in this Constitution.

§9. No officer whose salary is fixed by the Constitution shall receive any additional compensation. Each of the other State officers named in the Constitution shall, during his continuance in office, receive a compensation, to be fixed by law, which shall not be increased or diminished during the term for which he shall have been elected or appointed; nor shall he receive to his use any fees or perquisites of office or other compensation.

ARTICLE XI,

Section 1. All able-bodied male citizens between the ages of eighteen and forty-five years who are residents of this State, shall constitute the militia, subject, however, to such exemptions as now are or may be hereafter created by the laws of the United States, or by the Legislature of this State.

§2. The Legislature may provide for the enlistment into the active force of such persons as may make application to be so enlisted.

§3. The militia shall be organized and divided into such land and naval, and active and reserve forces as the Legislature may deem proper, provided, however, that there shall be maintained at all times a force of not less than ten thousand enlisted men, fully uniformed, armed ,equipped, disciplined and ready for active service. And it shall be the duty of the Legislature at each session to make sufficient appropriations for the maintenance thereof.

§4. The Governor shall appoint the chiefs of the several staff departments, his aides-de-camp and military secretary, all of whom shall hold office during his pleasure, their commissions to expire with the term for which the Governor shall have been elected; he shall also nominate, and with the consent of the Senate appoint, all major-generals.

§5. All other commissioned and non-commissioned officers shall be chosen or appointed in such manner as the Legislature may deem most conducive to the improvement of the militia, provided, however, that no law shall be passed changing the existing mode of election and ap-

pointment unless two-thirds of the members present in each house shall concur therein.

§6. The commissioned officers shall be commissioned by the Governor as commander-in-chief. No commissioned officer shall be removed from office during the term for which he shall have been appointed or elected, unless by the Senate on the recommendation of the Governor, stating the grounds on which such removal is recommended, or by the sentence of a court-martial, or upon the findings of an examining board organized pursuant to law, or for absence without leave for a period of six months or more.

ARTICLE XII.

Section 1. It shall be the duty of the Legislature to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent abuses in assessments and in contracting debt by such municipal corporations.

§2. All cities are classified according to the latest state enumeration, as from time to time made, as follows: The first class includes all cities having a population of two hundred and fifty thousand, or more; the second class, all cities having a population of fifty thousand and less than two hundred and fifty thousand; the third class, all other cities. Laws relating to the property, affairs or government of cities, and the several departments thereof, are divided into general and special city laws; general city laws are those which relate to all the cities of one or more classes; special city laws are those which relate to a single city, or to less than all the cities of a class. Special city laws shall not be passed except in conformity with the provisions of this section. After any bill for a special city law, relating to a city, has been passed by both branches of the Legislature, the house in which it originated shall immediately transmit a certified copy thereof to the mayor of such city, and within fifteen days thereafter the mayor shall return such bill to the house from which it was sent, or if the session of the Legislature at which such bill was passed has terminated, to the Governor, with the mayor's certificate thereon, stating whether the city has or has not accepted the same. In every city of the first class, the mayor, and in every other city, the mayor and the legislative body thereof concurrently, shall act for such city as to such bill; but the Legislature may provide for the concurrence of the legis-

lative body in cities of the first class. The Legislature shall provide for a public notice and opportunity for a public hearing concerning any such bill in every city to which it relates, before action thereon. Such a bill, if it relates to more than one city, shall be transmitted to the mayor of each city to which it relates, and shall not be deemed accepted unless accepted as herein provided, by every such city. Whenever any such bill is accepted as herein provided it shall be subject, as are other bills, to the action of the Governor. Whenever, during the session at which it was passed, any such bill is returned without the acceptance of the city or cities to which it relates, or within such fifteen days is not returned, it may nevertheless again be passed by both branches of the Legislature, and it shall then be subject, as are other bills, to the action of the Governor. In every special city law which has been accepted by the city or cities to which it relates, the title shall be followed by the words "accepted by the city," or "cities," as the case may be; in every such law which is passed without such acceptance, by the words "passed without the acceptance of the city," or "cities," as the case may be.

§3. All elections of city officers, including supervisors and judicial officers of inferior local courts, elected in any city or part of a city, and of county officers elected in the counties of New York and Kings, and in all counties whose boundaries are the same as those of a city, except to fill vacancies, shall be held on the Tuesday succeeding the first Monday in November in an add-numbered year, and the term of every such officer shall expire at the end of an odd-numbered year. The terms of office of all such officers elected before the first day of January, one thousand eight hundred and ninety-five, whose successors have not then been elected, which under existing laws would expire with an even-numbered year, or in an odd-numbered year and before the end thereof, are extended to and including the last day of December next following the time when such terms would otherwise expire; the terms of office of all such officers, which under existing laws would expire in an even-numbered year, and before the end thereof, are abridged so as to expire at the end of the preceding year. This section shall not apply to any city of the third class, or to elections of any judicial officer, except judges and justices of inferior local courts.

ARTICLE XIII.

Section 1. Members of the Legislature, and all officers executive and

judicial, except such inferior officers as shall be by law exempted, shall, before they enter on the duties of their respective offices, take and subscribe to the following oath or affirmation: "I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of New York, and that I will faithfully discharge the duties of the office of ———, according to the best of my ability;" and all such officers who shall have been chosen at any election shall, before they enter on the duties of their respective offices, take and subscribe the oath or affirmation above prescribed, together with the following addition thereto, as part thereof:

"And I do further solemnly swear (or affirm) that I have not directly or indirectly paid, offered or promised to pay, contributed, or offered or promised to contribute any money, or other valuable thing as a consideration or reward for the giving or withholding a vote at the election at which I was elected to said office, and have not made any promise to influence the giving or withholding any such vote," and no other oath, declaration or test shall be required as a qualification for any office of public trust.

§2. Any person holding office under the laws of this State who, except in payment of his legal salary, fees or perquisites, shall receive or consent to receive, directly or indirectly, anything of value or of personal advantage, or the promise thereof, for performing or omitting to perform any official act, or with the express or implied understanding that his official action or omission to act is to be in any degree influenced thereby, shall be deemed guilty of a felony. This section shall not affect the validity of any existing statute in relation to the offense of bribery.

§3. Any person who shall offer or promise a bribe to an officer, if it shall be received, shall be deemed guilty of a felony and liable to punishment, except as herein provided. No person offering a bribe shall, upon any prosecution of the officer for receiving such bribe, be privileged from testifying in relation thereto, and he shall not be liable to civil or criminal prosecution therefor, if he shall testify to the giving or offering of such bribe. Any person who shall offer or promise a bribe, *if it be rejected* by the officer to whom it was tendered, shall be

deemed guilty of an attempt to bribe, which is hereby declared to be a felony.

§4. Any person charged with receiving a bribe, or with offering or promising a bribe, shall be permitted to testify in his own behalf in any civil or criminal prosecution therefor.

§5. No public officer, or person elected or appointed to a public office, under the laws of this State, shall directly or indirectly ask, demand, accept, receive or consent to receive for his own use or benefit, or for the use or benefit of another, any free pass, free transportation, franking privilege or discrimination in passenger, telegraph or telephone rates, from any person or corporation, or make use of the same himself or in conjunction with another. A person who violates any provision of this section shall be deemed guilty of a misdemeanor, and shall forfeit his office at the suit of the Attorney-General. Any corporation, or officer or agent thereof, who shall offer or promise to a public officer, or person elected or appointed to a public office, any such free pass, free transportation, franking privilege or discrimination shall also be deemed guilty of a misdemeanor and liable to punishment except as herein provided. No person, or officer or agent of a corporation, giving any such free pass, free transportation, franking privilege or discrimination hereby prohibited, shall be privileged from testifying in relation thereto, and he shall not be liable to civil or criminal prosecution therefor if he shall testify to the giving of the same.

§6. Any district attorney who shall fail faithfully to prosecute a person charged with the violation in his county of any provision of this article which may come to his knowledge, shall be removed from office by the Governor, after due notice and an opportunity of being heard in his defense. The expenses which shall be incurred by any county, in investigating and prosecuting any charge of bribery or attempting to bribe any person holding office under the laws of this State within such county, or of receiving bribes by any such person in said county, shall be a charge against the State, and their payment by the State shall be provided for by law.

ARTICLE XIV.

Section 1. Any amendment or amendments to this Constitution may be proposed in the Senate and Assembly; and if the same shall be

agreed to by a majority of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, and the yeas and nays taken thereon, and referred to the Legislature to be chosen at the next general election of senators, and shall be published for three months previous to the time of making such choice; and if in the Legislature so next chosen, as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the Legislature to submit each proposed amendment or amendments to the people for approval in such manner and at such times as the Legislature shall prescribe; and if the people shall approve and ratify such amendment or amendments by a majority of the electors voting thereon, such amendment or amendments shall become a part of the Constitution from and after the first day of January next after such approval.

§2. At the general election to be held in the year one thousand nine hundred and sixteen, and every twelfth year thereafter, and also at such times as the Legislature may by law provide, the question, "Shall there be a convention to revise the Constitution and amend the same?" shall be decided by the electors of the State; and in case a majority of the electors voting thereon shall decide in favor of a convention for such purpose, the electors of every senate district of the State, as then organized, shall elect three delegates at the next ensuing general election at which members of the Assembly shall be chosen, and the electors of the State voting at the same election shall elect fifteen delegates-at-large. The delegates so elected shall convene at the Capitol on the first Tuesday of April next ensuing after their election, and shall continue their session until the business of such convention shall have been completed. Every delegate shall receive for his services the same compensation and the same mileage as shall then be annually payable to the members of the Assembly. A majority of the convention shall constitute a quorum for the transaction of business, and no amendment to the Constitution shall be submitted for approval to the electors as hereinafter provided, unless by the assent of a majority of all the delegates elected to the convention, the yeas and nays being entered on the journal to be kept. The convention shall have the power to appoint such officers, employees and assistants as it may deem necessary, and fix their compensation, and to provide for the *printing* of its documents, journal and proceedings. The conven-

tion shall determine the rules of its own proceedings, choose its own officers, and be the judge of the election, returns and qualifications of its members. In case of a vacancy, by death, resignation or other cause, of any district delegate elected to the convention, such vacancy shall be filled by a vote of the remaining delegates representing the district in which the vacancy occurs. If such vacancy occurs in the office of a delegate-at-large, such vacancy shall be filled by a vote of the remaining delegates-at-large. Any proposed constitution or constitutional amendment which shall have been adopted by such convention, shall be submitted to a vote of the electors of the State at the time and in the manner provided by such convention, at an election which shall be held not less than six weeks after the adjournment of such convention. Upon the approval of such constitution or constitutional amendment, in the manner provided in the last preceding section, such constitution or constitutional amendment shall go into effect on the first day of January next after such approval.

§3. Any amendment proposed by a constitutional convention relating to the same subject as an amendment proposed by the Legislature, coincidentally submitted to the people for approval at the general election held in the year one thousand eight hundred and ninety-four, or at any subsequent election, shall, if approved, be deemed to supersede the amendment so proposed by the Legislature.

ARTICLE XV.

Section 1. This Constitution shall be in force from and including the first day of January, one thousand eight hundred and ninety-five, except as herein otherwise provided.

GENERAL NOTES.

INTERNATIONAL RELATIONS.

The relations between different nations are governed by treaties and what is known as *international law*. The laws of sovereign states consist principally of written enactments passed by an established legislative authority. International law, on the other hand, is made up, not of specific statutes, but of general customs and agreements that have been established by usage among nations. A nation is not bound, except by honor and recognition of a righteous obligation, to the observance of international law.

A *treaty* is an agreement between two nations. Treaties are regarded as laws of the sovereign states that participate in their making and each party is bound to enforce the provisions of a treaty with reference to its own citizens.

Extradition is the act of a government in giving up to another government the person of an offender against its laws. Special treaties are made between different countries to cover the extradition of criminals.

Passports are certificates of citizenship issued by a nation to its citizens who may intend to travel in territories of other countries. A nation is bound to protect its people, when abroad, from unjust or arbitrary action on the part of foreign powers

A *reciprocity treaty* is a treaty entered into by two nations for mutual trade advantages.

A *declaration of war* is a formal notice by a government that a state of war exists between it and some foreign power. In every country that is at war there are two classes of persons: Combatants and non-combatants.

A *non-combatant* is any person who is not actually engaged in carrying on war.

A *combatant* is any member of the military or naval forces of a belligerent state. It is the purpose of a nation at war to kill or to place beyond the power of working injury all combatants of an opposing nation. Non-combatants, on the other hand, are entitled to

the protection of an enemy's laws and may not legally be killed or captured.

Public property may be destroyed by a belligerent during warfare when used for purposes of war.

Private property, except in the case of an enemy's vessels on the high seas, may be neither destroyed nor captured. The property of non combatants may be taken for the subsistence of an army in a hostile country.

Neutral nations may not in any way aid in the prosecution of war by other nations. A neutral nation has the right to forbid encounters between the forces of engaging belligerents within its territories, and to prevent the transportation of troops, supplies and munitions of war across its borders.

Arbitration is a means of settling disputes between nations by reference to an international tribunal. The Hague Conference of 1899 agreed upon an international treaty, which has since been ratified by the governments represented. This provides:

(1). That arbitration may be proposed by any power or powers for the settlement of a dispute between any of the signatories.

(2). That ordinary differences, arising upon a dispute of the facts, shall be submitted to a Commission of Inquiry.

(3). That an international court of arbitration shall be constituted to decide cases under the provisions of the agreement. This Court is composed of four persons from each of the governments represented.

The *Monroe Doctrine* is repeated in The Hague Treaty, and no provisions of the agreement may interfere with its enforcement.

FORMS OF GOVERNMENT.

A *monarchy* is a form of government having a single head.

Monarchies are of two kinds, limited and absolute.

A *limited* or *constitutional monarchy* is one in which the power of the ruler is restricted by the laws of the land. In every constitutional monarchy there is a representative body, elected by the people, or representing a class or different classes of the people, which has the power to make laws.

An *absolute monarchy* is one in which the action of the ruler is not restricted in any way by constitution or legislative interference.

An example of a limited monarchy is Great Britain; and Turkey is an example of an absolute monarchy.

The term *despotism* is sometimes applied to an absolute monarchy.

An *aristocracy* is any form of government in which the powers of government are exercised by a special class. This class is usually hereditary.

The term *oligarchy* is applied to a government in which the control is in the hands of a few persons. The House of Lords in Great Britain is an example of aristocratic government.

A *democracy* is a form of government in which the laws are made and enforced by the people. The only form of pure democracy found in this country to-day is in the township government, in which the people have an actual voice in the making of the laws.

A *republic* may be defined as a representative democracy. In a republic the people delegate the making of the laws and their enforcement to representatives elected by popular vote. The term *commonwealth* is sometimes used in referring to a republic.

CONTRACT RELATIONS.

A *contract* is a voluntary agreement between two or more persons in which they mutually promise to perform certain specified acts. No person under twenty-one years of age may enter into a contract, except for the necessities of life. An *expressed* contract is one in which the agreement is stated verbally or in writing. An *implied* contract is one in which agreements are assumed by the law, because of acts or circumstances that are created by the voluntary acts of the parties involved. No contract is binding when one of the parties making it is incapable.

Contracts may be made for the sale or exchange of commodities. The seller of the commodity is entitled to possession of the goods until the purchase price is paid. Other forms of contract cover the letting or leasing of property, transportation, insurance, the relations of agent and principal, of employer and employé, partnership relations, joint-stock companies, and the like. A principal is bound by the acts of an agent, if they are performed in the usual course of business. If, however, an agent does not follow the instructions of his principal, *he is personally* responsible in law for his own act.

Marriage, the relations of parent and child, and of guardian and ward, are also subject to the law of contracts.

Property is conveyed by *deed, mortgage, lease* or *will.*

A *deed* is a written contract conveying the ownership of real property. The parties to a deed are known as *grantor and grantee.* In New York State a deed must be recorded to be valid, usually with the County Clerk.

A *mortgage* is a legal transfer of the ownership of property for a limited time as security for a debt. The property remains in the possession of the person who makes the mortgage, with the understanding that full claims to it will be transferred back to him upon the payment of the debt. The sale of property for the satisfaction of such debt is known as a *foreclosure.*

A *promissory note* is a promise to pay a certain sum of money, either on demand or at the expiration of a fixed time. An endorser of such a note becomes a party to the contract, and upon failure of the maker to pay, may be required in law to satisfy the claim to the full amount of the face of the note.

COMPULSORY EDUCATION.

THE COMPULSORY EDUCATION LAW (Title XVI., Section 3, of the Consolidated School Law).—"Every child between eight and sixteen years of age, in proper physical and mental condition to attend school, shall regularly attend upon instruction at a school in which at least six common school branches of reading, spelling, writing, arithmetic, English grammar and geography are taught, or upon equivalent instruction by a competent teacher elsewhere than at a school, as follows: Every such child between fourteen and sixteen years of age, not regularly and lawfully engaged in any useful employment or service, and every such child between eight and fourteen years of age, shall so attend upon instruction as many days annually, during the period between the first days of October and the following June, as the public school of the district or city in which such child resides, shall be in session during the same period. Every boy between fourteen and sixteen years of age, who is engaged in any useful employment or service in a city of the first class or a city of the second class and who has not completed such course of study as is required for graduation from the elementary public schools of such city, and who does

not hold either a certificate of graduation from the public elementary school or the preacademic certificate issued by the regents of the University of the State of New York or the certificate of the completion of an elementary school issued by the department of public instruction, shall attend the public evening schools of such city, or other evening schools offering an equivalent course of instruction, for not less than six hours each week for a period of not less than sixteen weeks in each school year or calendar year. If any such child shall so attend upon instruction elsewhere than at a public school, such instruction shall be at least substantially equivalent to the instruction given to children of like age at the public school of the city or district in which such child resides; and such attendance shall be for at least as many hours of each day thereof, as are required of children of like age at public schools; and no greater total amount of holidays and vacations shall be deducted from such attendance during the period such attendance is required, than is allowed in such public school to children of like age."

FEDERAL OFFICERS.

Officer.	*How Chosen.*	*Term of Office.*	*Salary.*
EXECUTIVE:			
President	Elected by electors	4 year	$50,000
Vice-President	Elected by electors	4 year	8,000
Secretary of State	Appointed by President and confirmed by Senate	Will of President	8,000
Secretary of the Treasury	Appointed by President and confirmed by Senate	Will of President	8,000
Secretary of War	Appointed by President and confirmed by Senate	Will of President	8,000
Attorney-General	Appointed by President and confirmed by Senate	Will of President	8,000
Postmaster-General	Appointed by President and confirmed by Senate	Will of President	8,000
Secretary of the Navy	Appointed by President and confirmed by Senate	Will of President	8,000
Secretary of the Interior	Appointed by President and confirmed by Senate	Will of President	8,000
Secretary of Agriculture	Appointed by President and confirmed by Senate	Will of President	8,000
Secy. of Commerce and Labor	Appointed by President and confirmed by Senate	Will of President	8,000
Civil Service Commissioners	Appointed by President and confirmed by Senate	Will of President	3,500
Inter-state Commerce Comm'rs	Appointed by President and confirmed by Senate	Will of President	7,500
Librarian of Congress	Appointed by President and confirmed by Senate	Will of President	5,000
Ambassadors	Appointed by President and confirmed by Senate	Will of President	17,500
Ministers	Appointed by President and confirmed by Senate	Will of President	4 to 12,000
Consuls	Appointed by President and confirmed by Senate	Will of President	1 to 5,000
District Attorneys	Appointed by President and confirmed by Senate	Will of President	Fees
Marshals	Appointed by President and confirmed by Senate	Will of President	Fees
JUDICIAL:			
Chief Justice	Appointed by President and confirmed by Senate	Life	13,000
Justices, Supreme Court	Appointed by President and confirmed by Senate	Life	12,500
Circuit Judges	Appointed by President and confirmed by Senate	Life	7,000
District Judges	Appointed by President and confirmed by Senate	Life	3 to 5,000
Judges, Court of Claims	Appointed by President and confirmed by Senate	Life	6,000
LEGISLATIVE:			
Senators	Elected by State Legislatures	6 years	5,000
Representatives	Elected by people	2 years	5,000
Territorial Delegates	Elected by people	2 years	5,000

OFFICERS OF NEW YORK STATE.

Officers.	*How Chosen.*	*Terms of Office.*	*Salary.*
EXECUTIVE:			
Governor	Elected by people	2 years	$10,000
Lieutenant-Governor	Elected by people	2 years	5,000
Secretary of State	Elected by people	2 years	5,000
Comptroller	Elected by people	2 years	6,000
State Treasurer	Elected by people	2 years	5,000
Attorney-General	Elected by people	2 years	5,000
State Engineer and Surveyor	Elected by people	2 years	5,000
Superintendent of Public Works	Appointed by Governor and confirmed by Senate	Same as Governor	6,000
Superintendent of Banks	Appointed by Governor and confirmed by Senate	3 years	7,000
Superintendent of Insurance	Appointed by Governor and confirmed by Senate	3 years	7,000
Superintendent of Prisons	Appointed by Governor and confirmed by Senate	5 years	6,000
Commissioner of Health	Appointed by Governor and confirmed by Senate	4 years	3,500
Commissioner of Agriculture	Appointed by Governor and confirmed by Senate	3 years	4,000
Forest, Fish and Game Comm'r.	Appointed by Governor and confirmed by Senate	4 years	5,000
Commissioner of Labor	Appointed by Governor and confirmed by Senate	4 years	3,500
Commissioner of Excise	Appointed by Governor and confirmed by Senate	5 years	5,000
Commissioner of Charities	Appointed by Governor and confirmed by Senate	3 years	$10 a day
Tax Commissioners	Appointed by Governor and confirmed by Senate	3 years	5,000
Railroad Commissioners	Appointed by Governor and confirmed by Senate	5 years	8,000
Civil Service Commissioners	Appointed by Governor and confirmed by Senate	Indefinite	3,000
Lunacy Commissioners	Appointed by Governor and confirmed by Senate	6 years	3,500 to 7,500
Quarantine Commissioners	Appointed by Governor and confirmed by Senate	3 years	2,500
Superintendent of Elections	Appointed by Governor and confirmed by Senate	4 years	5,000
Inspector of Gas Meters	Appointed by Governor and confirmed by Senate	5 years	5,000
State Historian	Appointed by Governor and confirmed by Senate	Will of Governor	5,000
Port Wardens	Appointed by Governor and confirmed by Senate	3 years	Fees
Health Officer, Port of N. York	Appointed by Governor and confirmed by Senate	4 years	12,500
Adjutant-General	Appointed by the Governor	Same as Governor	4,000
Supt. of Public Buildings	Appointed by Lieut.-Governor and Speaker	2 years	5,000
Regents of the University	Elected by Legislature on joint ballot	11 years	None
Commissioner of Education	Elected by the Regents (see p. 177)	Will of Regents	7,500
JUDICIAL:			
Judges, Court of Appeals	Elected by people	14 years	13,700
Supreme Court Judges	Elected by people	14 years	7,200
Judges, Court of Claims	Appointed by Governor and confirmed by Senate	6 years	5,000

Officers.	*How Chosen.*	*Terms of Office.*	*Salary.*
LEGISLATIVE:			
State Senators	Elected by people	2 years	1,500
Assemblymen	Elected by people	1 year	1,500
	COUNTY OFFICERS.		
EXECUTIVE:			
Sheriff	Elected by people	3 years	Fees
County Clerk	Elected by people	3 years	Fees
Treasurer	Elected by people	3 years	Not fixed by law
District Attorney	Elected by people	3 years	Not fixed by law
School Commissioner	Elected by people	3 years	$1,000 or more
Superintendent of Poor	Elected by people	3 years	Not fixed by law
JUDICIAL			
County Judge	Elected by people	6 years	Fixed by Legislature
Surrogate	Elected by people	6 years	Not fixed by law
Coroners	Elected by people	3 years	Fees
LEGISLATIVE:			
Supervisors	Elected by people	2 years	$4 a day
	TOWN OFFICERS.		
EXECUTIVE:			
Supervisor	Elected by people	2 years	$2 a day
Clerk	Elected by people	2 years	Fees
Assessor	Elected by people	2 years	$2 a day
Collector	Elected by people	2 years	Fees
Commissioner of Highways	Elected by people	2 years	$2 a day
Overseer of Poor	Elected by people	2 years	$2 a day
Constables	Elected by people	2 years	Fees
Inspectors of Elections	Elected by people	2 years	$2 a day
JUDICIAL:			
Justices of the Peace	Elected by people	4 years	Fees
LEGISLATIVE:			
The towns meeting			

OFFICERS OF NEW YORK CITY.

Officer.	*How Chosen.*	*Terms of Office.*	*Salary.*
EXECUTIVE:			
Mayor	Elected by people	2 years	$15,000
Presidents of Boroughs	Elected by people	2 years	7,500 & 5,000
Comptroller	Elected by people	2 years	15,000
Chamberlain	Appointed by Mayor	Will of Mayor	12,000
Corporation Counsel	Appointed by Mayor	Will of Mayor	15,000
Commissioner of Accounts	Appointed by Mayor	Will of Mayor	5,000
Police Commissioner	Appointed by Mayor	5 years	7,500
Fire Commissioner	Appointed by Mayor	Will of Mayor	7,500
Commissioner of Tenements	Appointed by Mayor	Will of Mayor	7,500
Commissioners of Gas, Water Supply and Electricity	Appointed by Mayor	Will of Mayor	7,500
Comm'r of Street Cleaning	Appointed by Mayor	Will of Mayor	7,500
Commissioner of Bridges	Appointed by Mayor	Will of Mayor	7,500
Park Commissioners	Appointed by Mayor	Will of Mayor	5,000
Commissioner of Charities	Appointed by Mayor	Will of Mayor	7,500
Commissioner of Corrections	Appointed by Mayor	Will of Mayor	7,500
Commissioner of Docks	Appointed by Mayor	Will of Mayor	6,000
Commissioner of Taxes	Appointed by Mayor	Will of Mayor	7,000
President of Tax Board	Appointed by Mayor	Will of Mayor	8,000
Commissioners of Education	Appointed by Mayor	5 years	None
Health Commissioner	Appointed by Mayor	Will of Mayor	7,500
Commissioner of Licenses	Appointed by Mayor	Will of Mayor	5,000
City Clerk	Appointed by Board of Aldermen	6 years	7,000
Superintendent of Schools	Appointed by Board of Education	6 years	8,000
Commissioners of Elections	Appointed by Mayor	1 year	5,000
President, Civil Service Com'n	Appointed by Mayor	Will of Mayor	6,000
Civil Service Commissioners	Appointed by Mayor	Will of Mayor	5,000
JUDICIAL:			
City Judge	Elected by people	14 years	12,000
Recorder	Elected by people	14 years	12,000
Judges of General Sessions	Elected by people	14 years	12,000
Judges of City Court	Elected by people	10 years	10,000
Magistrates	(See page 136.)		
Justices of Special Sessions	Appointed by Mayor	10 years	9 and 6,000
Justices, Municipal Court	Elected by people	10 years	6 and 5,000
LEGISLATIVE:			
Aldermen	Elected by people	2 years	1,000
County Officials in Greater N. Y.	(See pages 157 and 158.)		

SUGGESTIVE QUESTIONS.

BASED UPON THE TEXT ACCORDING TO CHAPTERS.

Chapter I.—Functions of Government.

1. What is law?
2. What is necessary in order that law may be enforced?
3. Define government.
4. What is a tax?
5. What do you understand by the right of eminent domain?
6. What is the difference between taxation and the exercise of the right of eminent domain?
7. Into what three departments is government divided?
8. Define the legislative department.
9. Give examples of the legislative department in Federal, State and city government.
10. Define the executive department.
11. Give examples of the executive department in Federal, State and city government.
12. Define the judiciary.
13. What power has the judiciary with reference to the laws and the Constitution?
14. In what respect may the different departments be said to possess powers in common with other departments?
15. To what class of powers does each of the following belong? The veto, impeachment, the pardoning power.
16. Define civil rights.
17. Define political rights.
18. Name and describe five important civil rights.
19. In what way may an alien lose his political rights, and how may they be restored to him?
20. *Define the* Constitution.

217. Enumerate the different matters that come within the control of a Borough President.

218. What are the duties of a superintendent of buildings?

219. Outline the provisions of the Building Code?

220. How may penalties for the violation of the building laws be recovered?

221. What power has the Department of Buildings over the plumbing trade in New York City?

222. Classify the different kinds of inspection work done by the Building Inspectors.

Chapter XII.—Local Improvements.

223. For what purpose are the local improvement districts devised?

224. How many local improvement districts are there in Greater New York?

225. How is each local board made up?

226. Describe the distribution of local improvement districts in the different boroughs.

227. What powers are vested in a board of local improvements?

228. How do local improvements originate?

229. Explain the relation of the Board of Estimate and Apportionment to the local improvement boards.

230. What restriction is placed upon the powers of the Board of Aldermen with reference to contracts?

231. What officials have power to make contracts in the name of the city?

232. When may a contract be awarded to other than the lowest bidder?

233. What are the advantages of local improvement boards?

Chapter XIII.—1.—Light and Water Supply.

234. What department has supervision over the lighting and water supply of the city?

235. Who is the head of this department?

236. Who are the principal officials of the department under him?

237. Over what public interests does the jurisdiction of the gas,

water supply and electricity department extend?

238. What is required before the commissioner of this department may enter into a contract?

239. How are sources of the city's water supply determined?

240. How is land obtained for this purpose?

241. What territory is restricted from use for this purpose?

242. How are water rents determined?

2.—Street Cleaning.

243. Over what boroughs does the authority of the Street Cleaning Commissioner extend?

244. Describe the division of the department into forces.

245. Name the principal officials of the department.

246. How may the number of employees of the department be increased?

247. What special civil privileges are extended to members of the department?

248. Describe the duties of the Street Cleaning Commissioner.

249. What special authority has this department over obstructions in the streets?

250. How is the cleaning of the streets provided for in the boroughs of Richmond and Queens?

3.—Department of Bridges.

251. Explain the jurisdiction of the Commissioner of Bridges?

252. What city commission has similar powers to the bridge department?

253. What is the relation between the bridge department and the finance department?

254. Describe the jurisdiction of the different bureaus over bridges connecting two boroughs.

4.—Docks and Ferries.

255. Name the head of this department.

256. What is his salary?

257. Over what matters does his authority extend?

258. What is the relation between the Commissioners of the Sinking Fund and the Dock Department?

259. Define riparian rights.

260. Define wharfage charges and state how they are determined.

261. In what different ways may leases be obtained for property under the jurisdiction of the dock department?

262. Into what fund are proceeds of ferry leases paid?

Chapter XIV.—1.—Parks.

263. Describe the organization of the park board?

264. What special personal jurisdiction has each commissioner?

265. What is the salary of a park commissioner?

266. What buildings in New York City are included under the authority of the Park Commission?

267. What civic body bears a special relation to the Park Commission?

268. How is membership in the Municipal Art Commission determined?

269. Describe the authority of the Municipal Art Commission.

2.—Public Charities.

270. What institutions are included under the supervision of the Commissioner of Public Charities?

271. Describe the bureaus of the department.

272. How are the trustees of Bellevue and the allied hospitals selected?

273. What special provision is made by the Board of Estimate and Apportionment for private charitable organizations?

3.—Department of Correction.

274. Over what persons does the authority of this department extend?

275. What separation of different classes of criminals is required by law?

276. What provisions are made by law for the education of inmates of penal institutions?

277. Over what institutions does the authority of the Department of Correction extend?

278. Name three correctional institutions that are not under its authority.

4.—Tenement House Department.

279. Name two causes of overcrowding in tenement houses.

280. What is the result of overcrowding in tenements—sanitary, social and economical?

281. Into what three bureaus is the tenement house department divided?

282. How is the department divided for purposes of local administration?

283. Describe the organization of each department.

284. Explain the use of the complaint book.

285. What powers of other departments are possessed by the tenement house department?

286. Under whose jurisdiction are sweat shops placed?

287. What ground is covered by the tenement house law?

288. What powers are possessed by the tenement house and health departments that are not possessed by the department of buildings?

289. How is the legal business of the tenement house department conducted?

290. Describe the powers of the tenement house commissioner with reference to houses that are for any reason unfit for habitation.

291. Outline the results of the enforcement of the tenement house law with reference to, (1) prostitution, (2) the spread of disease, (3) peril from fire.

292. To what cities does the tenement house law apply?

Chapter XV.—The Fire Department.

293. State the manner of choice and salary of the commissioner and of each of his deputies?

294. What powers are given to the deputy commissioners?

295. Outline the provisions of the charter with reference to volunteer fire departments in the Greater New York.

296. Who is the treasurer of the fire department?

297. Name the bureaus of the fire department.

298. How are assignments to duty and promotions in the uniformed *force made?*

299. Upon what are such promotions based?

300. Give the provisions of law with reference to the acceptance of nominations for office by members of the police and fire departments.

301. Outline the qualifications for membership in the department.

302. Describe briefly the enforcement of discipline in the department.

303. Outline the grades of service and ranks of officers.

304. What is the relation between the fire and police departments in the performance of duty?

305. Describe the right of way of different vehicles in streets.

306. How may damages be recovered from the city for property destroyed by order of the commissioner to prevent the spread of fire?

307. How are the manufacture, storage and sale of fireworks, explosives and combustibles regulated in New York City?

308. What are the duties of a fire commissioner?

309. Define arson in its three degrees.

310. What powers are possessed by a fire marshal in conducting investigations?

311. From what sources is the relief fund derived?

312. What security is required of the fire commissioner in handling the relief fund?

313. What reports are required from that official in this connection?

314. How are pensions awarded in the department?

315. What is the life insurance fund?

316. To what purpose are the proceeds of the tax upon foreign insurance companies devoted?

317. What organizations receive this money?

Chapter XVI.—The Public Schools.

318. Of how many members is the Board of Education made up and how are they chosen?

319. How is the membership of the board distributed in the boroughs?

320. How is the president chosen? Name the principal committee of the board.

321. Into what two funds are school moneys divided?

322. Name the principal officials appointed by the Board of Education.

323. What is the term of each?

324. How may any of these officials be removed?

325. Outline the different matters covered by the by-laws of the Board of Education.

326. What are the duties of the superintendent of schools?

327. Of the superintendent of school supplies?

328. Outline the powers of the superintendent of schools.

329. How is the work of supervision carried on in the public schools?

330. What is meant by the Board of Superintendents and how are its members chosen?

331. What are the duties and powers of the Board of Superintendents?

332. What provision is made in the charter for the localization of school government?

333. Show the relation between a district superintendent and a local school board?

334. What are the powers of a local district board with reference to (a) visitation, (b) reports, (c) excuses, (d) trials?

335. What appeals are allowed from the decision of a district board in trial cases?

336. How is the applicant's fitness to teach in public schools determined?

337. Outline the necessary qualifications for teaching in the public schools of New York City.

338. How is the Board of Examiners made up?

339. What is the teacher's retirement fund? From what sources is it derived?

340 Under whose direction is the College of the City of New York?

341. Describe the relation between the Normal College and the Board of Education.

342. What provision is made by the city for instruction of boys in navigation?

343. Show the relationship of the Chamber of Commerce to the Department of Education in this matter.

344. Give the substance of the compulsory education law?

345. By whom is it enforced in New York City?

Chapter XVII.—The Department of Health.

346. Of whom is the Board of Health composed?

347. By whom is each member appointed?

348. What is the extent of its jurisdiction?

349. What is the sanitary code?

350. Outline the powers of the Board of Health.

351. Describe any extraordinary powers that it may possess.

352. Into what two bureaus is the department of health divided?

353. Show the relation between the police department and the department of health?

354. Describe the health department pension fund.

355. Give an outline of the sanitary code showing the principal matters that are treated therein.

Chapter XVIII.—Miscellaneous Charter Provisions.

356. What is necessary before the privileges of a street may be granted for the use of an omnibus line?

357. By whom are the rules of the road in New York City determined?

358. What provision is made for the protection of persons holding commercial paper during an epidemic?

359. What officials form the Board of the City Record?

360. Describe briefly the legal requirements concerning the city's advertising.

361. What are the duties of the supervisor with reference to elections?

362. How many coroners are elected in each borough of the city?

363. How may a coroner be removed?

364. What are the powers of a coroner?

365. Give the requirements of the charter with reference to interest in city contracts on the part of public officials and city employees?

66. What general powers of appointment and removal are vested in the heads of the departments?

367. Under whose supervision are the armories of the city placed?

368. Of what officials is the Armory Board made up?

369. For what purpose was the department of licenses organized?

Chapter XIX.—Courts.

370. Explain the difference between civil and criminal actions.

371. What is the difference between a crime and a tort?

372. In the body of the law is the method of bringing an action in civil cases set forth?

373. What two codes cover criminal cases?

374. Define the terms *plaintiff* and *defendant*.

375. How is a civil action begun?

376. Define a summons.

377. How is a judgment taken by default?

378. Describe the organization of a jury in a justice's court.

379. What are the qualifications of a jury?

380. How many jurors are necessary to try a case in a court of record?

381. How are juries selected?

382. What is meant by the terms "general verdict" and "special verdict"?

383. What is a judgment?

384. Define the terms "subpoena" and "subpoena duces tecum."

385. Explain what is meant by venue?

386. What is an execution?

387. What are supplementary proceedings?

388. Define the jurisdiction of courts with reference to the constitutionality of a law.

389. How may the constitutionality of a law be tested?

390. What do you understand by the expression "court of record"?

391. What is a court of impeachment?

392. Describe the organization of the Court of Appeals.

393. What is the jurisdiction of this court?

394. Into how many judicial departments is the Supreme Court divided?

395. Into what two divisions is it divided?

396. How are these divisions made up?

397. By whom are appellate justices designated?

398. What is meant by trial and special terms?

399. What is the difference between original jurisdiction and appellate jurisdiction?

400. How are Supreme Court justices chosen?

401. What public official acts as clerk of the Supreme Court?

402. Explain the jurisdiction of a county court.
403. Over what cases has a surrogate's court jurisdiction?
404. Of how many persons is a coroner's jury made up?
405. What is a justice's court?
406. Describe the manner of election and term of a justice of the peace.
407. Define the jurisdiction of a justice's court.
408. What is the Court of Claims?
409. How are the judges of the Court of Claims designated?
410. Compare the State courts with those of the United States.
411. How may an appeal be taken?
412. Define the terms "appellant" and "respondent."
413. Show the appellate jurisdiction of the various courts.

Chapter XX.—The Courts (Continued).

414. How many county courts has Kings County?
415. What courts take the place of the county court in Manhattan and The Bronx?
416. Define the jurisdiction of the Court of General Sessions.
419. How are its justices chosen?
418. Define the jurisdiction of the City Court.
419. What other courts of record are there in Greater New York?
420. What is the Board of Magistrates?
421. Explain the division of the city in the administration of criminal justice?
422. Define the jurisdiction of magistrates' courts and of the Court of Special Sessions.
423. How is the latter court organized?
424. To what class of courts does the children's court belong?
425. State the length of term, salary and manner of choice of each of the following: Judges of the City Court, of the Court of General Sessions, of the Municipal Courts, the City Magistrates, Justices of Special Sessions.

Chapter XXI.—Criminal Procedure.

426. What is necessary before a crime may be prosecuted?
427. In a criminal action what parties correspond to the plaintiff and defendant?

428. Define arrest. Warrant.

429. By whom may an arrest be made?

430. What is bail?

431. In what cases must bail be refused?

432. What is a grand jury?

433. In what particular does a grand jury in New York County differ from one in any other part of the State?

434. What is an indictment?

435. Explain the procedure of a grand jury with reference to an indictment.

436. What is the difference between an indictment and a presentment?

437. What do you understand by arraignment and plea?

438. Define petit jury?

439. What rights are reserved to counsel in the drawing of a jury?

440. Outline the proceedings in an ordinary criminal trial.

441. What is included in a charge to the jury?

442. On what grounds may an appeal in a criminal action be taken?

443. What is necessary in the event of a disagreement of a jury?

Chapter XXII.—Crime and Its Penalties.

444. Define the following terms: crime; felony; misdemeanor; abandonment; abortion; assault; arson; bigamy; blackmail; bribery; burglary; compounding a crime; carrying concealed weapons; counterfeiting; conspiracy; embezzlement; extortion; false personation; false pretense; fraud; forgery; gambling; homicide; kidnapping; larceny; libel; lottery; malfeasance; manslaughter; perjury; pool selling; public nuisance; aiding criminals to escape; rioting; robbery; treason; vagrancy.

445. Into what classes are crimes divided by the Penal Code?

446. Explain the different degrees of the following crimes: assault; arson; burglary; forgery; homicide; larceny.

447. What is the difference between grand larceny and petit larceny?

448. How may an attempt to aid a crime be punished?

449. What is an accessory and how may such a person be punished?

450. What is the effect of a repetition of an offense upon the degree of punishment?

Chapter XXIII.—Government Within the County.

451. Into what political divisions is the State divided? Explain the purpose of these divisions.

452. Why may the government of the town be termed a pure democracy?

453. Describe a town meeting.

454. What are the powers of the town meeting?

455. Name the officials elected at the town meeting.

456. Who is the chief executive of a township?

457. Give the terms of office, duties and manner of choice of each of the following town officers: clerk; assessors; collector of taxes; commissioner of highways; overseerers of the poor; constables; inspectors of election.

458. What officials constitute the town board? What are its powers?

459. What is the judiciary of a town government?

460. Explain the origin of the county?

461. What is the legislative body of the county?

462. Outline the powers ot fhe Board of Supervisors?

463. Into what special boards are the supervisors organized for certain purposes?

464. Who is the chief executive of a county?

465. What are his powers?

466. Define a *posse*.

467. What are the duties of a district attorney?

468. Give the length of office and manner of choice of each of the following county officials: sheriff; district attorney; county clerk; county treasurer; superintendent of the poor.

469. Give the compensation of each of the various town and county officers mentioned in this chapter.

470. How is the judiciary of a county made up?

471. In what respect does the county government in New York City differ from county government elsewhere in the State?

472. Name the various officials engaged in the government of the different counties in Greater New York.

473. State the compensation and terms of office of each.

Chapter XXIV.—The State.

474. Explain the origin of State governments in America.

475. What particular powers belong to the State governments?
476. How may the Constitution of New York State be amended.
477. What provision is made for regular revision?
478. By whom are the laws of New York State made?
479. Into what two bodies is the Legislature divided?
480. How many members are elected to each?
481. Describe the organization of the Assembly and the Senate with reference to (a) presiding officers, (b) rules, (c) terms of office, (d) sessions.
482. What are the powers of the Legislature?
483. What restrictions are placed upon the Legislature in the enactment of laws?
484. What officials are designated by the joint act of the Legislature?
485. What are impeachment proceedings?
486. Explain the work of a committee in the Legislature.
487. What do you understand by first, second and third reading?
488. What is a committee of the whole?
489. Define executive session.
490. Describe the veto power of the Governor.

Chapter XXV.—New York State Executive.

491. What are the principal powers of the Governor?
492. What is included in the Governor's message?
493. Define the powers and duties of the Lieutenant Governor.
494. What other administrative officials in New York State are elected by the people?
495. Define the duties of the Secretary of State.
496. Compare the Secretary of State of New York State with the head of the Department of State in the United States Government.
497. What are the general duties of a comptroller?
498. Outline the duties of the Comptroller of New York State.
499. Outline the duties of the State Treasurer.
500. Outline the duties of the Attorney General.
501. How do his duties differ from those of district attorneys?
502. Give the duties of the State Engineer and Surveyor.
503. What is an *ex officio* officer?
504. Name the administrative officers of the government of New York State who are appointed.

21. With whose authority does the Constitution become a law?
22. Into what four parts may the Constitution of New York State be divided?
23. What is meant by the expression, "bill of rights"?

Chapter II.—Public Elections.

24. Describe the qualifications of a voter in New York State.
25. Define citizenship.
26. By what is citizenship determined?
27. What persons may not become citizens of the United States?
28. How may an alien become a citizen?
29. What do you understand by naturalization papers?
30. By whom are they issued?
31. How may an alien become a citizen of the United States without a residence of five years in the country?
32. For how long a period must a man be a citizen before he may vote?
33. In what different ways may the right to vote be lost?
34. What is the first step necessary towards voting?
35. In what localities may a man vote without registration?
36. Name the days that are set aside for registration purposes.
37. Give reasons for the fact that city and State elections must be held in alternate years.
38. Describe the conduct of a public election.
39. What is meant by swearing in a vote?
40. What is a primary?
41. What is necessary before a political party may be recognized as such in New York State?
42. Name the different primary days.
43. How is a candidate placed in nomination for office?
44. How may a candidate be nominated otherwise than by a regular political party?
45. What is the difference between a plurality and a majority?
46. Explain the plan of the initiative and the referendum.
47. Why would not such a device be practicable in New York State?
48. What is meant by the terms "republican" and "democratic," as applied to the general principles of government?

49. Where is the only pure democracy in the United States to be found?

50. What do you understand by a representative democracy or commonwealth?

Chapter III.—The State and the City.

51. Explain the expression "delegated powers"?

52. Describe briefly the adoption of the Constitution of New York State.

53. What authority was given to the State by the adoption of the Constitution?

54. Define a municipal corporation and give illustrations.

55. What is the largest municipal corporation in New York State?

56. Why are local governments necessary within the State?

57. What is a village?

58. How is a village governed?

59. Describe the different classes of villages in New York State?

60. Into what classes are the cities of the State divided?

61. Mention all the cities of the first and second class.

62. How is the government of a city provided for?

63. Describe briefly the connection between county and city government.

64. In what cases does this connection exist?

65. In whom are the legislative powers of a city vested?

66. Define "ordinance."

67. Who is the executive head of a city?

68. In what way is the work of his department of the government carried on?

69. What powers are given to Mayors in connection with special city legislation?

70. What is necessary in order to pass a law that specially affects a certain city?

71. Define the veto power.

72. By whom is this power possessed in the city?

73. What majority of a Common Council is necessary to pass a law over the Mayor's veto?

74. By what bodies are the judicial functions of the city government performed?

75. From what source does the city government derive its authority?

Chapter IV.—Greater New York.

76. How did the charter of Greater New York become a law?

77. Describe in outline the distribution of power under the charter.

78. What special veto powers are possessed by the Mayor of New York City?

79. How may such powers be essential to good government?

80. Into what sub-divisions is the City of New York divided?

81. Bound the City of New York.

82. What territory is included in the Borough of Manhattan? Bound the Borough of Manhattan.

83. What territory is included in the Borough of The Bronx? Bound The Bronx.

84. What territory is included in the Borough of Brooklyn? Bound the Borough of Brooklyn.

85. What territory is included in the Borough of Queens? Bound the Borough of Queens.

86. What territory is included in the Borough of Richmond? Bound the Borough of Richmond.

87. What became of the liabilities of the different municipal corporations that were consolidated with New York City in 1898?

88. Has a county or other municipal sub-division power to contract a debt within the limits of the Greater New York?

89. What disposition was made of the territory in Queens County that lay outside of the limits of the greater city?

90. Describe the revision of the charter that went into effect in 1901.

Chapter V.—The Board of Aldermen.

91. How is the Board of Aldermen of New York City made up?

92. Name its presiding officer.

93. What other duties besides that of presiding over the Board of Aldermen are required of the President of the Board?

94. Describe the duties of the President of the Board of Aldermen in the absence of the Mayor.

95. What relation is borne by heads of departments to the Board of Aldermen?

96. How is the City Clerk chosen? What are his duties?

97. Into how many aldermanic districts is each of the boroughs divided?

98. Compare the distribution of aldermanic and assembly districts.

99. In what manner may a measure that involves taxes, money expenditures or a franchise grant, become a law?

100. Upon what documents is the signature of the City Clerk necessary?

101. Describe his power of appointment.

102. What are the necessary qualifications of a member of the Board of Aldermen?

103. How often and at what times must the Board of Aldermen meet?

104. In what instances is the veto of the Mayor final?

105. How may a measure be passed over the Mayor's veto?

106. What special provision is made in this connection for financial measures and for ordinances relating to public ceremonies?

107. Outline the powers of the Board of Aldermen.

108. What is necessary before the Board of Aldermen may borrow money?

109. Upon what subjects may the Board of Aldermen pass laws?

110. What administrative powers are possessed by the Board of Aldermen?

111. In what way are members of the Board of Aldermen liable for their official acts?

112. What is a franchise?

113. In what way may a franchise be granted.

Chapter VI.—The Mayor.

114. In whom is the executive power of New York City vested?

115. Name the different administrative departments of the city.

116. How are the heads of these departments chosen?

117. What exception is there to this?

118. Describe the Mayor's power of removal.

119. What are the duties of the Mayor?

120. What do you understand by the Mayor's message? What must be included in it?

121. For what purpose may the Mayor appoint clerks and other minor officials?

122. What other officials may the Mayor appoint, besides heads of departments?

123. What are the duties of the Commissioners of Accounts?

124. How may the Mayor of New York City be removed?

125. What other official may be removed in the same manner?

126. In the absence of the Mayor, by whom are his duties performed?

127. What powers of the Mayor are not possessed by the Acting Mayor?

128. Give the salary of the Mayor.

Chapter VII.—Department of Finance.

129. State how the power to tax is essential to all true government.

130. Describe the manner of choice and give the salary of the Comptroller.

131 How may the Comptroller be removed?

132. In the event of a vacancy in the office of Comptroller, by whom may such vacancy be filled?

133. What can you say regarding the importance of the Comptroller's office?

134. Outline the duties of the Finance Department.

135. What are the powers and duties of the Comptroller?

136. What officials are appointed by him?

137. Into what bureaus is the Finance Department divided?

138. Describe the duties of each.

139. By whom are the funds of the city kept?

140. State the manner of appointment and salary of the Chamberlain?

141. What are the duties of the Chamberlain?

142. What must be included in the annual report of the Finance Department?

143. What department of New York City has charge of public markets?

144. By whom are banks of deposit for the city funds selected?

145. Of what boards is the Comptroller a member?

146. What powers have the Comptroller and his deputies in the conduct of hearing for the adjustment of claims?

Chapter VIII.—Taxes and Assessment.

147. Describe the Board of Taxes and Assessments.

148. How is the President of the Board designated?

149. State the manner of appointment and the duties of deputy tax commissioners.

150. What official has charge of making surveys and the correction of maps for the Tax Department?

151. Mention the different facts that must appear in the records of the department.

152. During what months of the year must these records be open for inspection?

153. For what purpose are they closed?

154. Where is the record of assessments upon property belonging to corporations kept?

155. Describe the duties of the Board of Aldermen with reference to the assessment rolls.

156. Describe the issue of warrants for the collection of taxes.

157. By whom are taxes collected in New York City?

158. What are the duties of the Receiver of Taxes?

159. How may unpaid taxes be collected?

160. What steps are necessary to secure a correction of assessments of taxes?

161. What is the final authority in this matter?

162. How is the Board of Estimate and Apportionment made up?

163. State the voting powers of each member.

164. What is meant by the annual budget?

165. Describe the different steps by which the budget is made up.

166. By whom must the budget be certified?

167. What do you understand by a bond issue?

168. What is meant by the term, "The Corporate Stock of the City of New York"?

169. By whom may city bonds be issued? State definitely the

powers of the Board of Aldermen, the Board of Estimate and Apportionment, the Sinking Fund Commission and the Comptroller in this connection.

170. What are assessment bonds?

171. What are revenue bonds?

172. What is the purpose of the Sinking Fund?

173. From what sources is it derived?

174. What is the Water Sinking Fund? Water Rents?

175. Define an assessment.

176. What is the Board of Assessors?

177. By whom is it appointed?

178. Describe the Board of Revision of Assessments.

179. Outline the different steps by which an assessment is fixed and collected.

180. When may property be sold for non-payment of taxes or assessments?

181. What official has charge of the collection of assessments?

182. What property is exempt from taxation in New York State?

183. Describe the tax on foreign insurance companies.

184. What is the limit of the city's power to contract a debt? Name any exceptions.

ChapterIX.—Law Department.

186. Describe the manner of appointment and give the salary of the Corporation Counsel.

187. What relation does he bear to the various departments of the city government?

188. Outline the duties of the Corporation Counsel.

189. Name the three bureaus of the Law Department.

190. What are condemnation proceedings?

191. Define a *street*.

192. By whom are Commissioners of Estimate and Assessment appointed and what are their duties?

193. What property in New York City is exempted from condemnation proceedings?

194. What right mentioned in Chapter I. is exercised by the city in condemnation proceedings?

Chapter X.—Police.

195. How may the Commissioner of Police be removed from office?

196. Describe his manner of appointment, salary and length of term.

197. What authority has the Commissioner of Police in the administration of the police department?

198. How are trials in the police department conducted?

199. What limit is placed upon penalities to be imposed?

200. Describe the duties of the police commissioner.

201. What is the Police Pension Fund?

202. From what sources is it derived?

203. Describe briefly the different classes of persons who may be benefited by it.

204. Give the different grades and ranks in the service of the department.

205. Describe the duties of the police department with reference to steam boilers.

206. What are the duties of doormen and matrons?

207. From what civil obligations is a member of the police force exempted?

208. How may appointments to the police department be made?

209. What are the duties of the police department?

210. Describe all the powers of a policeman in making an arrest.

Chapter XI.—Administration of the Borough.

211. For what purposes was the government of the Greater New York divided into boroughs?

212. Name the executive head of a borough.

213. Of what different boards is the President of a Borough a member?

214. How may a Borough President be removed?

215. State the salaries of the President in each of the five boroughs.

216. What power of appointment has a Borough President?

505. Outline the duties and state the salary of each of the following officials: Superintendent of Public Works; Superintendent of Insurance; Superintendent of Banks; Commissioner of Health; Superintendent of Prisons; Commissioner of Agriculture; Fish, Forest and Game Commissioner; Commissioner of Labor; Commissioner of Excise.

506. What officials are associated with the Fish, Forest and Game Commissioner in the performance of his duties?

507. To what general purposes are excise moneys devoted?

508. Who are the Regents of University of the State of New York?

509. What are the duties of the State Board of Charities and how is it constituted?

510. Describe the State Lunacy Commission and state its duties.

511. What are the duties of the Prison Commission?

512. How does it differ from the other commissions already named?

513. Describe the Railroad Commission and give its duties.

514. What are the duties of the Quarantine Commission?

515. What official is associated with this Commission in the performance of its duties?

516. Outline the duties of the Tax Commission.

517. How is it made up?

518. Explain the organization of the State Board of Equalization of Taxes.

519. Name the officials who compose the Commissioners of the Land Office.

520. Of the Canal Fund.

521. What is the difference between the Commission of the Canal Fund and the Canal Board?

522. Of what officials does the Board of State Canvassers consist?

523. Define militia.

524. Who is the Commander-in-Chief of the Militia of New York State?

525. How are its officers appointed?

526. Give the qualifications for enrollment in the militia.

527. What persons are exempted from service in the militia?

528. For what purpose may the militia be called into service?

Chapter XXVI.—Schools, Taxes, and Civil Service.

529. Under whose direction is the public school system of New York State?

530. Describe the organization of the State Department of Education.

534. How are the members of the board of Regents chosen?

532. How is the Commissioner of Education chosen?

533. Describe the term of office and the duties of a Regent.

534. Describe the term of office, duties and compensation of the Commissioner of Education.

535. What provision is made for the supervision of higher education in New York State?

536. By whom is admission to the bar regulated?

537. Name two other officers of the Department of Education.

538. Describe the mode of choice, term, duties and compensation of a school commissioner.

539. What is a school district?

540. What are the powers of a district meeting?

541. What are the powers of the trustees in a school district?

542. What is meant by a "Union Free School"?

543. From what sources are the school funds of New York State derived?

544. What provision is made in New York State for the training of teachers?

545. Name two classes of taxes.

546. What is the difference between a direct and an indirect tax?

547. To which class do Federal taxes belong? State taxes?

548. What is a poll tax?

549. Describe the means by which the State collects taxes.

550. What relation does the Board of Supervisors of a county bear to the collection of taxes?

551. By whom and how are moneys derived from taxation in the State distributed?

552. Define transfer tax. Coporation tax. Franchise tax.

553. Define excise.

554. By whom are excise taxes collected in New York City?

555. Describe the distribution of the excise moneys.

556. Define civil service.

557. Into what two services is it divided and what officers are included in each?

558. Into what four classes is the classified service divided?

559. What persons receive preference in appointments from an eligible list?

560. Outline the powers and duties of the State Civil Service Commission.

561. What relation does the Mayor of a city bear to the civil service?

562. Explain the relation of the State Civil Service Commission to a municipal civil service commission.

Chapter XXVII.—The Federal Government.

563. Describe the origin of the United States Government.

564. What were the Articles of Confederation?

565. What causes led to the framing of the Constitution?

566. What is meant by the statement that the United States Government is *a government of checks and balances?*

567. Describe the work of the Constitutional Convention of 1787 with reference to compromises that were necessary.

568. Into what three classes are the powers of government divided under the Constitution?

569. Classify the powers of the Federal Government and define each.

570. How may war be declared by the United States?

571. What is an internal revenue tax?

572. What is meant by the word "tariff"?

573. By whom are laws affecting interstate commerce administered?

574. Define specie.

578. What is a patent? A copyright?

576. What is the difference between an organized and an unorganized Territory?

577. Name the different Territories of the United States.

578. By whom is the city of Washington governed?

579. How may a Territory become a State?

580. What powers in general may be exercised by the States?

581. Enumerate the prohibitions upon the government of the United States.

582. Enumerate the prohibitions upon the government of the States.

583. How may the Constitution of the United States be amended?

Chapter XXVIII.—Congress.

584. Of what two Houses is Congress composed?
585. What is meant by the *long session* and the *short session* of Congress?
586. How are United States Senators chosen?
587. Explain the reasons for the organization of Congress in two Houses.
588. Give the qualifications of a Senator.
589. What executive powers are exercised by the United States Senate?
590. Who is the presiding officer of the Senate?
591. How are Representatives elected?
592. State the privileges of Territoial Delegates.
593. What is the salary of a congressman?
594. For what purposes may Congress make laws?
595. What is meant by implied powers of legislation?
596. Give reasons for the importance of the office of Speaker in the House.
597. How may a bill become a law?
598. What relation does the President bear to Federal legislation?
599. How may a Federal officer be impeached?
600. Outline the privileges of a member of Congress.

Chapter XXIX.—The Federal Executive.

601. How is the President of the United States chosen?
602. Define elector. Electoral College.
603. If no persons receives a majority of the votes of the Electoral College, upon whom does the duty of electing the Executive devolve?
604. Classify the powers of the President.
605. What two checks are there upon the President's power of appointment?
606. By whom are treaties made?
607. Point out the different steps taken in the conclusion of a treaty?
608. Name the different officials of the President's cabinet.
609. What are the duties of the Department of State.

610. Define diplomatic agents.
611. Name the different classes of diplomatic agents.
612. Define consular agents.
613. What are the duties of the Department of the Treasury?
614. Name one bureau of this department.
615. What is a National bank?
616. Describe the duties of the Attorney General.
617. Describe the duties of the War and Navy Departments.
618. Of the Postoffice Department.
619. Name six different functions of the Department of the Interior.
620. What are the duties of the Department of Agriculture? Of the Department of Labor and Commerce?
621. Name five other executive bureaus or commissions.

Chapter XXX.—The Federal Judiciary.

622. In whom are the judicial powers of the United States vested?
623. What check is there on the power of the Federal Judiciary?
624. Explain the necessity for a system of Federal courts.
625. Over what cases have the Federal courts jurisdiction?
626. Name six different Federal courts.
627. What is the Court of Impeachment?
628. Describe the Supreme Court.
629. By whom are judges in the United States courts designated?
630. What is the jurisdiction of the Supreme Court?
631. Describe the Circuit Court of Appeals.
632. What judges may sit in this court?
633. In what cases is its jurisdiction final?
634. Describe the Circuit Court.
635. By whom is a circuit court held?
636. In what cases has it jurisdiction?
637. Into how many judicial districts is the United States divided?
638. What cases may be tried in a district court?
639. What cases may be taken to the Supreme Court on appeal?
640. Why is the Court of Claims necessary?
641. What authority has the decision of the Court of Claims?
642. Name four officials of the United States courts other than judges.
643. State the judges of each.
644. Define treason against the United States.

645. What is meant by attainder?
646. Name other principal crimes covered by the Federal laws.
647. What do you understand by common law?
648. Define equity.
649. What is meant by "unwritten law"?
650. Define statute law.
651. When may a case be carried from a State Court to the United States Supreme Court?

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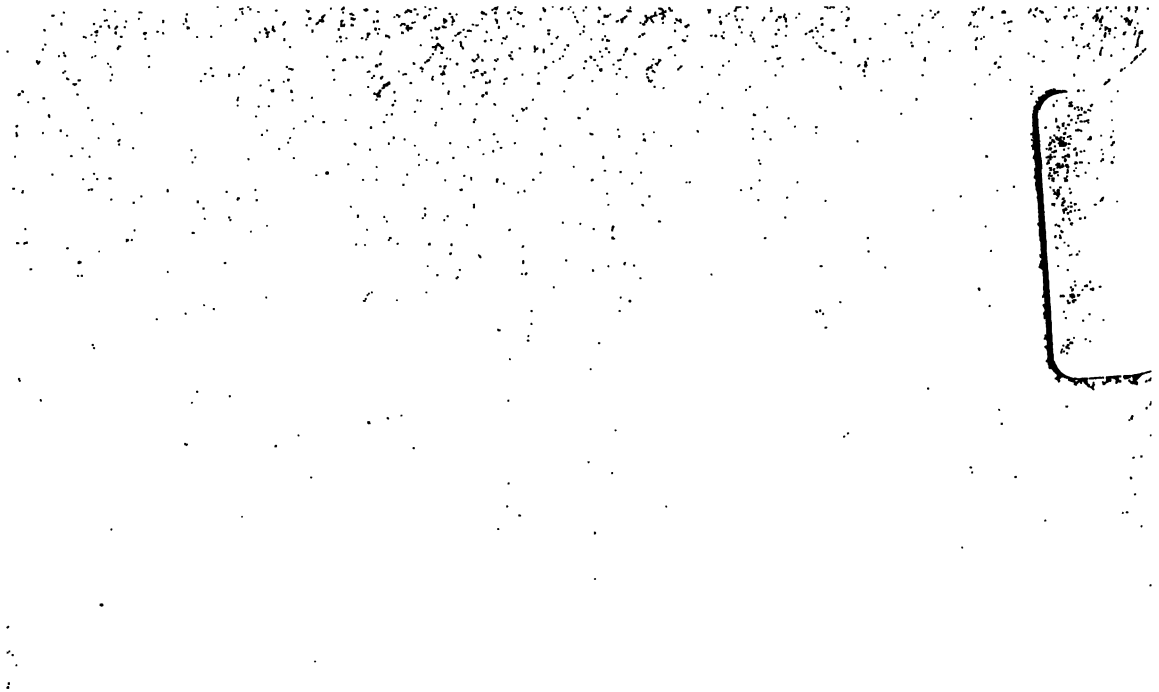

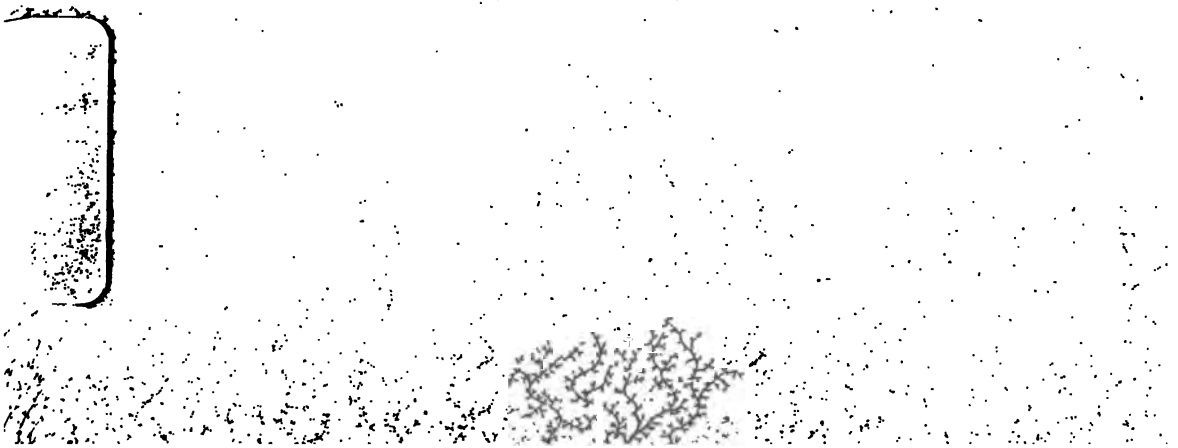

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